Keven Wyrick 08724-045 Wnited States Penitentiary Leavenworth PO Box 1000 Leavenworth, Ks 66048

> 94-194 GAF

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IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

	STATES OF AMERICA, Plaintiff/Respondent,)	
	radically respondency)	
v.)	Case No. 4:94-CR-00194-012
		,)	•
KEVEN I	. WYRICK,	.)	
	Defendant/Movant)	

RENEWED

MOTION FOR COMPASSIONATE RELEASE PURSUANT TO 18 U.S.C. §3582(C)(1)(A)(i).

COMES NOW, the Movant, Keven L. Wyrick ("Wyrick"), pro se, to respectfully move this Honorable Court for compassionate release, or sentence reduction, under 18 U.S.C. §3582(C)(1)(A)(1), as amended by the First Step Act ("FSA"), in the above entitled case.

As grounds therefore, Wyrick submits as follows:

I. PROCEDUAL HISTORY AND STATEMENT OF FACTS

A. Procedual history

On May 25, 1995, Wyrick was charged with one count of conspiracy to distribute marijuana, one count of engaging in a continuing criminal enterprise resulting in death, and one count of conspiracy to distribute marijuana resulting in death. On September 24, 1996, trial began, and ended on November 1, 1996. Wyrick was sentenced to life imprisonment.

On August 31, 2020, Wyrick filed a motion for compassionate release.

On October 21, 2020, this Court denied his motion. This motion follows:

B. STATEMENT OF FACTS

First, Wyrick would like to apologize to this Court, and the victims of his crimes, and humbly ask for their forgiveness. He takes full responcibility for his actions, and makes no excuses.

Since being incarcerated Wyrick's proudest achievement is giving his life to the Lord and Saviour, Jesus Christ. He regularly attends Christian Church services, and is active in Church programs and activities.

Wyrick, in wanting to better understand his Lord, and what his Lord wanted of him, spent eight years in Biblical Studies from Calvary Christian College and Seminary earning a Dectorate in Biblical Studies. (See attached exhibit #A). Wyrick went on to study another two years, earning a PHD in Theology. (See attached exhibit #B). Combined he spent nearly 5000 hours in Biblical Studies.

He has maintained a great conduct record while in prison.

Wyrick only received one 400 series (minor) write-up in over

26 years.

Wyrick has maintained employment and received good to excellent work reports. He worked at UNICOR from 1997 to 2007. (In 2007 UNICOR shut down in most United States Penitentiarys). He worked consistantly in the laundry since returning to Leavenworth.

Wyrick has put forth extraordinary effort at rehabilitation,

even though at the time he had no realistic expectation of release. To this end Wyrick participated in and completed numerous courses, classes and programs.

These included:

* The Cage Your Rage - Anger Management course.

Wyrick participated in this class to better understand the root causes of his anger, and to learn to channel that anger in to more positive actions.

* Microsoft IC3 - (Word/excell/Access/Power Point/Applications.

Wyrick completed this course, because he recognized that computor knowledge would be important in the future, for obtaining and keeping gainful employment.

* Best Ways to Find a Job (1,2,3); Preparing For Success.

Wyrick took these classes to better prepare himself to find honest employment upon his release.

* Vocational Training Trades Review/ Reading Blueprints; Home Plumbing Systems; Electrical Theory; and Real Estate.

Wyrick has always enjoyed working with his hands, fixing things and building things. He completed these courses to help him gain knowledge to repair or build homes; and to perhaps buy old homessand remodel them.

* Calvary Christian College and Seminary Biblical Studies and Theology (PHD).

Wyrick's proudest achievement has been giving his life to his Lord and Saviour, Jesus Christ. He completed almost 5000 hours of Christian College courses, earning a PHD in Theology and a Decorate in Biblical Studies. He did this to better know his Lord, to gain a better understanding of what God wants from him, and to be better able to share God's word with others.

* The Life Connections Program.

Wyrick has recently graguated from the eighteen (18) month, residential, Faith based program offered at U.S.P. Leavenworth.

Wyrick participated in this program to prepare himself for his return to society. He used his knowledge of the Bible and the Lord's desires for mankind, to share with other; students, to mentor them (see attached exhibit #C), and to express God's love for them. (See exhibit #D).

* Wyrick also participated in numerous other self-help classes and programs (See attached exhibit #E).

Wyrick has several cronic illnesses, which the Centers for Disease Control and Prevention ("CDC") have found to put a person at "high risk" of serious illness or death, if he were to contract the COVID-19 virus.

These include Cronic Obstructive Pulmonary Disease ("COPD"), hypertension, obesity, and an enlarged prostrate. (See exhibit #F).

He has had COVID-19 once, and it greatly affected his health. He has also had the two-shot Moderna vaccine.

Wyrick has kept in close contact with his family and friends who support him and wish to see him released back to the community.

They know he will be an asset to their community, with

the changes the Lord has made in his life. (See exhibit #G).

He plans to share God's word, as well as mentor others, to help them avoid the pitfalls and poor decisions that he made as a younger man.

II. LEGAL STANDARDS

A. THIS COURT HAS AUTHORITY TO REDUCE A TERM OF INCARCERATION UNDER THE FIRST STEP ACT

This Court has authority to order Wyrick compassionate release under 18 U.S.C. §3582(C)(1)(A)(i), as it was amended by the First Step Act ("FSA"). See 18 U.S.C. §3582(C)(1)(1)(A)(i); First Step Act of 2018, Pub. L. 115-391, :603, 132 Stat. 5194 (2018). Since the passage of the FSA, the statute authorizes the defendant to file a motion directly with the court seeking reduction of his sentence for "extraordinary and compelling reasons," once he has exhausted his administrative remedies. Exhaustion occurs when the BOP (warden) denies the defendant's application for compassionate release, or lets the thirty (30) days pass without responding to it. See Brown v. United States, 411 F. Supp. 3d 446, 452 (S.D. Iowa 2019); United States v. McDonel, No. 07-20189, 2021 U.S. Dist. LEXIS 6401 (E.D. Mich. Jan. 31, 2021). See §3582(C)(1)(A)(i). A court "may reduce the term of imprisonment ... after considering the factors set forth in §3553(a) to the extent they are applicable, if it finds that ... extraordinary and compelling reasons warrant such a reduction... Id. Although the statute also instructs the courts to consider "applicable policy statements issued by the Sentencing Commission," seven U.S. Circuit Courts of

Appeals, including the Sixth Circuit, have held there is currently no applicable policy statement. See <u>United States v.</u>

<u>Jones</u>, 980 F.3d 1098 (6th Cir. 2020); <u>United States v.</u> Gunn,

F.3d (7th Cir. 2020); United States v. McCay, 981 F.3d 271, 281 (4th Cir. 2020); United States v. Brooker, 976 F.3d 228, 237 (2nd Cir. 2020); United States v. Shkambi, Case No. 20-40543, 2021 U.S. App. LEXIS 10053 (5th Cir. April 7, 2021); United States v. Aruda, Case No. 20-10245, 2021 U.S. App. LEXIS 10119 (9th Cir. April 8, 2021); United States v. Maumau, No. 20-4056, 2021 U.S. App. LEXIS 9510 (10th Cir. April 2021).

The result, these courts have reasoned, is the district court is now free to consider anything, when deciding whether an extraordinary and compelling reason exists. See <u>Brown</u>, 411 F.3Supp. 3d at 451, 452-53; <u>United States v. Urkevich</u>, No. 8:03-cr-00037, 2019 U.S. dist. EEXIS 197408, 2019 WL 6037391, at *3 (D.Neb. Nov. 14, 2019).

Therefore, this Court is not bound by the Sentencing Commission's outdated Policy Statement (U.S.S.G. §1B1.13(a)) or it's commentary thereto, when considering an inmate filed motion for compassionate release. See Brooker, 976 F.3d at 237.

Courts across the country have found that the COVID-19 pandemic and its attendant risk to vulnerable inmates such as Wyrick provided "extraordinary and compelling" reasons, within the meaning of §3582(C)(1)(A)(i). United States v. Carson, No. 3:06-cr-5059 (W.D. Wash. Jan. 4, 2021)(finding extraordinary and compelling reasons based on COVID-19 and defendant's obesity); United States v. Blanco, No. 4:93-cr-20042, Dkt#2784

(N.D. Cal. Dec. 14, 2020) (finding extraordinary and compelling reasons based on COVID-19 and high risk factors); United States v. Hosek, No. 5:16-cr-50111, 2020 WL 7318107 (D.S.D. Dec. 11, 2020) (same); United States v. Williams, 473 F. Supp. 3d 772 (E.D. Mich. 2020) (granting release based on COVID-19 and defendant's age); United States v. Hardnett, No. 3:03-cr-212-MHL, Dkt No. 363 (E.D. Va. Aug. 27, 2020) (granting release to 45 year old defendant with irregular heartbeat, subject to COVID-19.

As many courts have recognized, "[e]ven in the best run prisons, officials might find it difficult, if not impossible to follow the CDC's guidelines for preventing the spread of the virus among inmates and staff; practicing fastidious hygene and keeping a safe distance of at least six feet from others." United States v. Esparza, No. 1:07-cr-294-BLW, 2020 WL 1696084 (D. Idaho April 7, 2020); See also United States v. Muniz, No. 4:09-cr-199-1, 2020 WL 1540325, at *1 (S.D. Tex. March 30m 2020) ("[W]hile the Court is aware of the measures taken by the Federal Bureau of Prisons, news reports of the virus's spread in detention centers ... demonstrate that individuals housed within our prison systems nonetheless remain particularly vulnerable to infection.")

For all these reasons, courts in this district and across the country have concluded that a defendant's vulnerability to COVID-19, particularly when weighed in the ballance of having high risk factors, and favorable §3553(a) factors, such as rehabilitation and length of sentence already served, constitute

an "extraordinary and compelling reason" to grant compassionate release.

Moreover, many courts across the country have found that a drastic disparity in sentencing can be an extraordinary and compelling reason supporting compassionate release, or a sentence reduction. See Brown, 411 F. Supp. 3d at 453; McCoy, 981 F.3d at 286; Brooker, 976 F.3d at 238; United States v.
Taniguchi, No. 00-50, 2020, U.S. Dist. LEXIS 204777, 2020 WL 6390061, at *3-5 (S.D. Ohio Nov. 2, 2020); United States v.
Baker, No. 10-20513, 2020 U.S. Dist. LEXIS 145670, 2020 WL 4696594, at *3 (E.D. Mich. Aug. 13, 2020); United States v.
Young, 458 F. Supp. 3d 838, 2020 WL 1047815 (M.D. Tenn. 2020); and United States v. Roor, No. 3:00-CR-00071 (S.D. Iowa, July 14, 2020).

These courts agreed that when sentencing disparity (a §3553(a) factor) is combined with the risk of COVID-19, and extraordinary efforts at rehabilitation, extraordinary and compelling reasons exist for release or sentence reduction.

B. DEFENDANT HAS SATISFIED THE STATUTORY EXHAUSTION REQUIREMENT

Wyrick has diligently persued administrative relief in light of COVID-19, satisfying the exhaustion requirement of §3583(c)(1)(A). His efforts within the BOP have been rejected. He sought compassionate release from the warden at U.S.P. Leavenworth on December 8, 2020 citing the risk from exposure to COVID-19 for inmates like him. The request was denied on January 6, 2021. (See attached exhibit #G). The basis for the

denial was that he could not meet one of the narrowly prescribed set of catagories for relief, listed in Program Statement 5050.50.

The FSA authorized this Court to act upon Wyrick's motion provided he exausts his administrative remedies. "Exhaustion occurs when the BOP denies a defendant's application or lets thirty days pass without responding to it." <u>United States v. Brown</u>, 411 F. Supp. 3d 446, 452 (S.D. Iowa 2019); <u>United States v. Mandaca</u>, NO. 89-cr-0655, 2020 U.S. Dist. LEXIS 37483, 2020 WL 1029024, at *2 (S.D. Cal. March 3, 2020).

Accordingly, Wyrick's request for compassionate release from this Court is ripe for decision, and this Court is empowered to grant it.

III. ARGUMENT

This Court should grant motion for compassionate release because (1) his age and medical condition put him at a particularized increased risk were he to contract COVID-19 (or one of its many variants) again; (2) he is housed at a BOP facility that has been struggling unsuccessfully with the spread of the virus for 9 straight months; (3) he has already served over 26 years, which is more than the national average for his crime; (4) the last year of his incarceration as well as the foreseeable future, have been under exceptionally punitive condictions due to BOP efforts to respond to the pandemic; (5) he has demonstrated consistant extraordinary efforts at rehabilitation; (6) he will be released to supervision; and (7) even after 26 years of incarceration,

Wyrick has strong family support to which he can return, and an aging parent who hopes for his help.

A. THE CORONA VIRUS PANDEMIC PRESENTS AN EXTRAORDINARY AND COMPELLING REASON TO GRANT RELEASE

1. CONDITIONS IN THE BOP PRESENT AN EXTRAORDINARY AND COMPELLING REASON.

As of January 22, 2021, more than 44,000 BOP inmates were confirmed positive for COVID-19 and 202 BOP inmates have died. (unless otherwise noted, BOP data herein comes from the BOP corona virus website, available at https://www.bop.gov/coronavirus/, and is as of January 22, 2021). These numbers have climbed steeply since late September, 2020. Since late November the number of BOP inmates with confirmed positive has more than tripled and many more inmates have died. Of the over 100,000 COVID tests the BOP has given to inmates, half have come back positive.

Data from individual BOP facilities shows how the virus can run rampant among the inmate population once the virus enters a prison. For example, at one point at Seagleville FCC.I., 73 percent of inmates were infected (1,292 out of 1,771), four died. At Tusson F.C.I., 895 prisoners were infected with ten deaths. At Terminal Island F.C.I., it was nearly 77 percent (577 out of 754), ten inmates died. Indeed, there is "growing evidence of the BOP's chronic mismanagement of it vulnerable population during the COVID-19 pandemic."

United States v. Woodard, 2020 WL 3528413 at *3 (E.D. Va. June 26, 2020).

One need look no further than where Wyrick is now housed. Of the total U.S.P. Leavenworth population of 1,525 over 900 inmates have tested positive - two have died. (The total inmate population figure includes 1,296 at the U.S.P. and 229 at the camp. See U.S.P. Leavenworth website, available on line at:

https://www.bop.gov/locations/institutions/lvn/.

Thus, more than 60 percent of the inmate population has been infected to date.

More concerning, U.S.P. Leavenworth reported its first positive case, in an inmate, on July 19, 2020. Since then, it has never been without positive cases among the inmate population, and has had four significant outbreaks, in September, October, January and February. That Leavenworth has been reporting positive cases for nine straight months demonstrates that the administration there has not managed to get the virus under control. Worse, the facility has multiple times seen inmate positives ebb to single digits only to spike upwards into the triple digits again.

Nor is the fact that Wyrick has already contracted the Corona Virus any guarantee of immunity. The Centers for Disease Control has indicated that immunity, for those who have previously been infected with COVID-19, may only last 90 days. (See Coronavirus Disease 2019 (COVID-19), Duration of Isolation and Precautions for Adults with COVID-19, Centers for Disease Control and Prevention, https://www.cdc.gov/coronavirus/2019-ncov/hcp/duration-isolation.html. ("the

duration and robustness of immunity to SARS-CoV-2 remains under investigation ... [P]eople appear to become susceptable to reinfection around 90 days after onset of infection.").

Further, this does not even take into account the "long term covid", or "long COVID", cases.

"Long COVID" continues to gather attention and medical research reporting. As reported in the Wall Street Journal on March 16, 2021, page A9, "In February, the National Institutes of Health announced a major initiative to study long Covid, backed by \$1.15 billion dollars ... 'Large numbers of patients who have been infected ... continue to experience a constellation of symptoms long past the time that they've recovered from the initial stages ... said Director Francis S. Collins."

For proof of the effects of long COVID, one need look
no further than the BOP. In a letter to the Honorable John
R. Tunheim, Federal Public Defender Keala Ede (Office of the
Federal Defender, District of Minnasota), in <u>United States v.</u>
Gbor, No. 14-cr-00344(5)(JRT/TNL) reported the death of five
(5) inmates who had previously been declared "recovered" by
the BOP. (See attached exhibit #H). Later the BOP announced
yet two more "recovered" inmate deaths. One, Leonard Williams,
contacted COVID-19 in late February, but "on Monday, March 22,
2021," the BOP said, "In accordance with [CDC] guidelines,
Mr. Williams was converted to a status of recovered following
the completion of medical isolation and presenting with no
symptoms. On Saturday, April 3, 2021, Mr. Williams became

unresponsive." He was dead before he got to the hospital.

Another inmate, Jaime Benavidas, caught COVID in December, but was declared "recovered" 10 days later. But "on Thursday,

March 25, 2021, Mr. Benavides condition worsened and he was transported to a local hospital for further evaluation." He later died. (BOP Press releases, Inmate Death at MCFP Springfield). Therefore, whether from the effects of long covid, or from re-infection inmates who have had COVID-19 are not safe, or necessarily immune from the effects of COVID-19.

This is especially true in light of the variants which are, even now spreading across the country. See United States v.

White, No. 3:17-CR-00104-2, 2021 WL 268719, at *4 (M.D. Tenn.

Jan. 27, 2021).

On April 7, 2021, the U.S. District Court for the Eastern District of Michigan "expressed skepticism at the government's reinfection argument." The government claimed that because the defendant had taken the moderna vaccine, he was immune from the corona virus, and should be denied compassionate release. The Court found that 246 fully vaccinated Michiganders contracted COVID-19 between Jan. 2021 and March, 2021. See United States v. Sweet, 2021 U.S. Dist. LEXIS 69177 (E.D. Mich. April 7, 2021).

This shows that neither prior infection with COVID-19, nor being vaccinated assures future immunization from COVID-19 or its many variants.

2. WYRICK'S AGE AND MEDICAL ISSUES PREDISPOSE HIM TO HIGHER RISK OF SEVERE ILLNESS OR DEATH FROM COVID-19 OR ITS VARIANTS

Wyrick is 60 years old. He suffers from Cronic Obstructive Pulmonary Disease, hypertension, obesity, and enlarged prostrate. (See exhibit #I). COPD, obesity, and hypertension have both been recognized, along with his age group, as being in the "high risk" catagory for serious illness, or even death, from COVID-19 or its variants. See, CDC, OLDER ADULTS, available at https://www.cdc.gov/coronavirus.2019-ncov/needextra-precautions/older adults.html (as of Jan.18,2021); See also, People of Any Age with Underlying Medical Conditions, CDC (July 12, 2020, https://bit.ly/3854NFY. (Obesity and COPD ar "High Risk" factors).

Moreover, courts across this country including district courts within the Eighth Circuit have held that having medical conditions, recognized by the CDC as being "high risk", is an "extraordinary and compelling reason" for granting compassionate release. See, e.g. <u>United States v. Conner</u>, No. CR07-4095-LTS, 2020 WL 3053368 at *7 (N.D. Iowa June 8, 2020); <u>United States v. Rodriguez</u>, No. 3:00-cr-00071, (S.D. Iowa July 14, 2020); <u>United States v. Tillman</u>, No. 12-CR-2024-CJW-MAR, 2020 WL 3578374, at *5 (N.D. Iowa, June 30, 2020); <u>United States v. Williams</u>, No. 06-CR-0143 (WMW/FLN), 2020 WL 3097615, at *2 (D. Minn. June 11, 2020); <u>United States v. Gutman</u>, No. RBD-19-0069, 2020 U.S. Dist. LEXIS 84316, 2020 WL 246735, at *2 (D.Md. May 13, 2020) (finding defendant's age (56), hypertension and obesity satisfied "extraordinary and compelling reasons";

United States v. Zukerman, F. Supp. 3d , 2020 U.S. Dist.
LEXIS 59588, 2020 WL 1659880, at *5 (S.D.N.Y. April 3, 2020)
(same as above); United States v. Ullings, No. 1:10=CR-00406,
2020 U.S. Dist. LEXIS 83104, 2020 WL 2394096, at *4 (N.D. Ga.
May 12, 2020) (Obesity, hypertention & age, extraordinary and compelling reasons).

Thus Wyrick's age, COPD, obesity and hypertention all weigh strongly in favor of compassionate release, even more so when one considers the effects of his 26 plus years of incarceration.

It makes little sence to wait for Wyrick's illnesses to progress in severity and his age to increase, particularly in light of the intensity and persistence of the COVID-19 pandemic. Any preported benefit to society to be gained by Wyrick spending additional time in prison on top of the 26 plus years he has already served is far outweighed by the grave risk to Wyrick's health - and the health of others at U.S.P. Leavenworth - should he contract the virus again. And, as discussed in more detail below, further incarceration is simply not necessary to protect the public given the amount of time Wyrick has already served and the impressive rehabilitative efforts that he consistantly has made during his incarceration. Wyrick, therefore, believes that he has shown an "extraordinary and compelling reason" for this Court to grant his compassionate release.

B. WYRICK IS NO LONGER A DANGER TO THE COMMUNITY

Even where extraordinary and compelling reasons exist, as in this case, the district court must still consider the 18 U.S.C. §3553(a) factors, before reducing a defendant's sentence.

Section 3553(a) provides that the sentencing court must impose a sentence that is "sufficient, but not greater than necessary, ... (a) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; (B) to afford adequate deferrence to criminal conduct; (C) to protect the public from further crimes of the defendant; and (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner[]" 18 U.S.C. \$3553(a)(2)(A)-(D). The sentencing court is also directed to consider, among other factors, "the nature and circumstances of the offense and the history and characteristics of the defendant" and the "need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct[.]" Id. \$3553(a)(1),(6).

1. PUNISHMENT, DETERRENCE, PROTECTION OF SOCIETY, AND REHABILITATION

Wyrick opines that his nearly three decades of incarceration for his offenses of conspiracy to distribute marijuana and murder in furtherance thereof is insufficient to address the seriousness of the offense, promote respect for the law, deter him and others from criminal conduct, provide just punishment, and protect the public from Wyrick. (citing §3553-(a)(2)(A)-(C)).

First, the national average sentence in the Federal Courts for Murder is 255 months (21 years, 3 months). The national average sentence for drug trafficing is 76 months, according to the U.S. Sentencing Commission's Annual Report of Federal Sentencing Statistics available at:

https://www.ussc.gov/research/sourcebook-2019.

Therefore, the combined average is 331 months, or 26 years, 6 months. Wyrick has served this sentence.

Wyrick posits that he has served sufficient time to satisfy these factors.

Wyrick anticipates the government will argue that he is still a danger to the community, based on his original offense. While Wyrick agrees that his offenses were terrible, the person who committed those acts is not the person who now stands before this Court.

Wyrick's time in prison has been exemplified by his remorse and his reformation. He has spent untold hours in programs, classes and study courses, in his effort to change. Wyrick knows this will not make up for the taking of another's life. He wishes he could go back and change what he had done, but he cannot. So, he chose instead to change his future, so he would never be tempted to do such things again.

The important goal of rehabilitation has also been addressed by Wyrick's educational, vocational training, and

personal growth while in custody. (See 18 U.S.C. §3553(a)(2)(D)). He has earned two college degrees, and completed numerous classes on self improvement, both mentally, and physically, and most importantly, spiritually. (See Statement of Facts, infra.)

Wyrick would also point out that many other courts, in reviewing compassionate release motions by defendants convicted of murder, and/or murder in furtherance of drug dealing, held that the defendants efforts at rehabilitation, combined with their lengthy sentences already served, served to diminish their danger to the community. For instance: In United States v. Rodriguez, No. 00CR-761-2 (JSR) 2020 U.S. Dist. LEXIS 181004, 2020 WL 5810161, at *1 (SDNY Sept. 30, 2020) the defendant was convicted of a "brutal murder" of a government informant who was responcible for the arrest of Rodriguez's codefendant in a cocaine drug conspiracy. Rodriguez, after a seven week trial, was convicted and sentenced to life imprisonment. Rodriquez ... moved the court for compassionate release, based on his health issues which made him particularly - vulnerable to serious illness from COVID-19, and his extraordinary efforts at rehabilitation. The district Court agreed that due to the length of sentence served, his extraordinary rehabilitative efforts, and his health issues combined to make an extraordinary and compelling reason to grant the motion. Further, despite the government's assertion that Rodriguez was still a danger to the community, the court found that a sentence of thirty years was sufficient, and thereby reduced his sentence from life to thirty years.

*In <u>United States v. Lopez</u>, No. 97-01117-ACK-2, 2020
U.S. Dist. LEXIS 200076 (D.H. Oct. 27, 2020), the defendant was convicted of Conspiracy to Distribute Heroin, and use of a Firearm during a Drug Trafficing Crime which resulted in murder. Lopez, after a 9 day trial was convicted. He was sentenced to life on the murder count. Lopez moved the court for compassionate release based on his unusually long sentence and his extraordinary rehabilitation efforts. The court also looked at his age at the time of the offense, his minimal prior criminal record, his minimal institutional disciplinary record, his charity work, his informal support of other inmates, his programing, etc.

Base on these facts the Court granted his motion, reducing his sentence to time served, with special condition of supervision.

*In <u>United States v. Fisher</u>, No. 1:83-cr-00150-PAC-1, 2020 U.S. Dist. LEXIS 188065 (S.D.N.Y. Oct. 9, 2020), the defendant was charged with Conspiracy to distribute drugs, Continuing Criminal Enterprise, Racketeering Conspiracy, Racketeering, Conspiracy to Murder government witnesses, and distribution of Heroin. After a six-week trial, he was sentenced to life. Fisher moved for compassionate release citing the COVID-19 pandemic, his age, and his efforts at rehabilitation.

The Court found that his age and cronic health conditions made Fisher a high risk of serious illness or death from COVID-19, and therefore found Fisher had met the "extraordinary and compelling reasons" requirement of 18 U.S.C. §3582(C)(1)(A)(i).

The Court went on to find that Fisher's age, lack of any significant institutional disciplinary record showed he was no longer a danger to the community. The Court then granted his motion, reducing his sentence to time served.

*Two U.S. District Courts within the Eighth Circuit have held that the effects of aging, and a clean disciplinary record, combined with extraordinary efforts at rehabilitation are grounds for granting relief. See <u>United States v. Ledezma-Rodriguez</u>, No. 3:00-CR-00071, 2020 U.S. Dist. LEXIS 123539, 2020 WL 3971517, at *6 (S.D. Iowa July 14, 2020); <u>United States v. Brown</u>, 411 F. Supp. 3d 446, 452 (S.D. Iowa 2019), amended on reconsideration, No. 4:05-CR-00227-1, 2020 U.S. Dist. LEXIS 87133, 2020 WL 2091802 (S.D. Iowa April 29, 2020).

Therefore, Wyrick has shown that the 26-plus years he has been in prison are sufficient to address the seriousness of the offense; promote respect for the law (as shown by his minimal institutional disciplinary record - only one minor report in 26 years); deter him and others from criminal conduct, (as shown by the national average for his crimes); provide just punishment, and protect the public.

2. NATURE and CIRCUMSTANCES of the OFFENSE, and HISTORY and CHARACTERISTICS of WYRICK

Wyrick admits that the nature and the circumstances of his offense is serious. However, he has expressed remorse, both in words and actions. He gave his life to the Lord Jesus Christ. He has prayed for forgiveness, and that the victim's family

not only forgive him, but find peace in their lives. He has spent countless hours mentoring and guiding other inmates. This and the time and effort spent in programs, classes, and study, his nearly perfect disciplinary record; even though he had no realistic possibility of ever being released from prison, he endeavored to reform.

His criminal history is minor, only one felony, and two misdemeanors. Wyrick's time in prison is characterized by many years of programming, and coursework designed for self-improvement.

Wyrick has numerous family ties, including family members who will provide for him. His Father, Jerry Wyrick, who lives at 106 Trinity Cir. Harrisonville, MO. 64701, has graciously offered His home and help in obtaining a job. Before, being arrested Wyrick, was a Marine, who received an "Honorable" discharge, and a professional boxer. While incarcerated he has studied to learn new skills to assist him in finding gainful employment.

Therefore, while his offense was serious, his change in character, exemplified by his extraordinary rehabilitation effort, weighs in favor of his not being a danger to the community, as shown by the Department of Justice, and Federal Bureau of Prison's "PATTERN" score sheet, which shows Wyrick to be a "MINIMUM" risk of recidivism. (See exhibit #I).

Moreover, Wyrick plans to continue his mentoring of people, especially "at risk" youth upon his release. He plans to volunteer through his church to give his story to people, to see, not only that they should not make the poor decisions he

made, but also so they can see that people can change, especially with the Lord in their lives.

Wyrick is 60 years old. Because of his age, according to the U.S. Sentencing Commission;s, 'The Effects of Aging on Recidivism Among Federal Offenders', he has "aged out" of criminal conduct. <u>Id</u>. See also, <u>United States v. Rodriguez</u>, 2020 WL 5810161, at *6 (observing that the defendant's release at age of 60 would "mak[e] the likelyhood of re-offending even more remote").

"[R]ight or wrongly, this country's criminal justice system is premised on the idea that a person can - and hopefully will - change after several years locked in prison". Ledezma-Rodriguez, 2020 WL 3971517, at *6 (S.D. Iowa July 14, 2020).

"The BOP tries to facilitate this through classes, case managers, reentery programs, time credits, and security classifications," which Wyrick has taken full advantage. This is shown through his extraordinary efforts to reform himself, his BOP PATTERN score of minimum risk, as well as presently Wyrick has 8 security points which would make him a minimum security inmate. He is awaiting transfer to a low security facility, as soon as the BOP starts transfering inmates again. (They stopped transfers during the coronavirus pandemic). (See exhibit #J).

3. DISPARITY in SENTENCE ANALYSIS

Finally, the discrepancy between the sentence Wyrick received in 1995 and the sentence he would have received today

is significant. (According to the national average for murder (255 months), and drug offenses (76 months) in 2020, see U.S. Sentencing Commission, Fisical Year (FY) 2019 Overview of Federal Criminal Cases (2020); see also, U.S. Sentencing Commission, 2020 Anual Report and Sourcebook of Federal Sentencing Statistics (2020). available at https://www.ussc.gov/research/sourcebook-2020). Combined the national average for murder and drug offenses is 331 months. See United States v. Quinn, No. 91-CR-00608-DLJ1-RS,2020 U.S. Dist. LEXIS 110247, 2020 WL 327536, at *3 (N.D. Cal. June 17, 2020).

Considering this data, it is indisputable that Wyrick received an unusually long sentence.

This Court sentenced Wyrick in 1995 to a "Life" sentence, under the then mandatory U.S. Sentencing Guidelines. IN 2005 the U.S. Supreme Court ruled that district courts are empowered, at their discretion, to consider how a defendant's circumstances may call for imposing a sentence either above or below the guideline range. United States v. Booker, 543 U.S. 220, 264-65 (2005).

In other words, following Booker, the ranges in the Sentencing Guidelines are no longer mandatory so long as a sentence follows statutory requirements.

This Court, in sentencing Wyrick, was not allowed to consider a sentence outside the range. Thus, it is now proper for the Court to consider the fact that the Guidelines have changed - from mandatory to discretionary - in determining whether to grant compassionate release. S. Rep. No. 98-221 at

121 ("Specific review and reduction of a term of imprisonment for "extraordinary and compelling reasons' and to respond to changes in the guidelines.")

Moreover, the marijuana laws across this country have, and continue to, change the drug Wyrick was convicted of was marijuana. Eleven states have legalized the recreational use of marijuana, and thirty-three states, including Missouri; have legalized marijuana for medical use. Deborah M. Ahrens, "REtroactive Legality: Marijuana Convictions and Restoritive Justice in an Era of Criminal Justice Reform, 110 J. Crim. L. & Criminology 379, 393-97 (2020)" Twenty-three years ago, marijuana was formally illicit for all purposes in all states and under federal law; ... the legal landscape for marijuana has changed rapidly and reflects broader trends in criminal law reform." Id. at 393.

Federal Law continues to make possession and distributions of marijuana a crime. But, it is questionable whether this will stand scrutiny, as marijuana under federal law is listed as a Schedule I drug. Schedule I drugs must have no recognizable legitimate Medical use. However, the Food and Drug Administration ("FDA") now recognized CBD, a chemical found only in the marijuana plant, has a legitimate medical use. Therefore, is is doubtful this law will withstand judicial scrutiny.

Wyrick opines that if he was sentenced today his sentence on the marijuana conviction would be significantly less than life. The disparity between what he received then, and what he received now, is both a factor in finding extraordinary and

compelling reasons to grant Wyrick relief, and a disparity in sentencing under §3553(a) compelling relief.

According to Wyrick's research, which is limited to lexisnexis electronic law library, in the BOP, no one has been charged with a continuing criminal enterprise in over twenty years, in the Western District of Missouri.

Wyrick submits that is is hard to reconcile his two life sentences, with modern sentencing regimes and statistics, and especially with an ever-increasing body of research that questions the effectiveness of imprisoning convicted defendants for a period greater that reasonably necessary. See generally, Marc Mauer, "Long Term Sentences; Time to Reconsider the Scale of Punishment," 87 UMKC L. Rev. 113,114 (2018) (collecting governmental and non-governmental works and studies on the minimal effect of long federal prison sentences on deterrence, especially on drug-related crimes).

Therefore, there is certainly a sentencing disparity between what Wyrick received in 1995, and what he would receive if sentenced today.

CONCLUSION

WHEREFORE, for good cause shown in the foregoing, Wyrick requests this Court grant his Motion for Compassionate Release, and either release him, or reduce his sentence to thirty years.

Respectfully submitted this 27 day of May, 2021.

Keven L. Wyrick, 'pro se

U.S. Penetentiary

P.O. Box 1000

Leavenworth, KS 66048

CERTIFICATE OF SERVICE

I, Keven Wyrick, do hereby certify that I served a true copy of the foregoing motion for compassionate release, on the Respondent, via First Class U.S. Mail, addressed to:

Western District of Missouri United States Attorney's Office 400 E 9th Street, Room 5510 Kansas City, Missouri 64106

and placing same into inmate legal mail, at U.S.P. Leavenworth, this \mathcal{M}_{av} 27

Signed and sworn, under the penalty of perjury, pursuant to 28 U.S.C. §1746.

Keven Wyrick, 'pro se'

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EXIBITA

Honorable Judge I am Heven Wyrieks father ledriting thes in his behalf. If there is one man in the Prison system that has been rehabilitated he is the one that has, Theven has been in prison for 26 years and in all that time he has educated himself to having a Doctor Degree in Philosophy in Theology and has Taken all the classes offered by the prison system. Since Herren has been in prison he has had a good elear Conduct and work ethic beyond reproach. as well as that having a good Report

With the Prison offical. Theren is most remorseful for all the things he has done when Le was youngaris It by your decision he is released he has a place to live and a way to get to the places he needs to go even when he geta a job. Sence & have worked for Honeywell for 33 years and Security for the Federal Court House in downtown Hansas City for 18 years & have Never asked for anything from the Court System but nows that & am 8.5 years old and not much left

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	for my son so I could spend
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· · · · · · · · · · · · · · · · · · ·	Dear Honorable Judge,
· · · · · · · · · · · · · · · · · · ·	
	I Justin Wyrick, am writing to ask you to
·	CONSIDER CLEMENCY towards my tather. Keyon Winich.
***************************************	I won't bore you with appeals to innocence or theorize how long someone should serve for a
	munder change while I hadn't have been upt I
	murder charge. While I hadn't been born yet, I feel confident when I say my father is not the
	man he once was.
**************************************	Rehabilitation obviously can't be predicted with certainty but I believe my father has had the
(certainty but I believe my father has had the
· ,	change of mind and attitude in addition to the family
	support necessary to live in a civilized society again.
	During his sentence thus for he has shown a great track record of behavior and has been a spiritual
	compade to many in his fitto mand common My fathor
	comrade to many in his faith based progress. My father has gotten his paralegal degree and 3 other degrees
	showing his desire to seek out new strooms of thought
	showing his desire to seek out new streams of thought over knowledge. He even assisted my Sociology studies
	when looking at the impact of religion on American and Middle Eastern culture. Considering all this and his
	Middle Eastern culture. Considering all this and his
``	continued progress through the Life Connections
	program, I believe my father deserves a second charce. I fully admit my bias, but I hope you think he deserves a second charce too.
	to raily admit my bias, but I hope you think he
	deserves a second d'ance too.
	Yours Truly,
-	
· T	

Honorable Judge

Sister to Keven Wyrick.

my Brother Keven Wyrick has alcomplished so much in the Past 25 years while Being incarconated many diplomas in theology and a Contificate in Panalegal.

Work 2thic working wo mader what the pay and only missing 23 days in the past 25 years white measured.

what has impressed me and Brought Soy to my Heart, was the moment he accepted The Lord Jesus Christ as his passonal Sourior. He began over 20 years ago as ter warels Reading the Bible, Studying and passonal to his.

Everyday Life. I Remember thinking this is real only time would had visited my brother on person and when talking with him in person and on the phone. I knew it was By how he talked withall always Respectful, & Humble and Grateful for the littlest thing. Even all that was not what convinced me that he was a changed man with a heart for God. when talking with him, he has always expressed to me how sorry hewas for all the Pain he has caused and on Soule ral occasions became Emotiona as we were talking over the regrets and the Fact be nothing can take Back what he has done, he has Such Temorse and with that I Know he was a changed man and deserves a Second Chance in Society) (nellely

Rian Honoroble Judge, My name is Therest GRAY. And I am writing this letter to lityou know that My Brotus Keelen L wyrick has the supported of his family. Keven is extremly Remorsful 107 his actions in his younger years He has been very active in this rehabilitation He has gother numerous Certifications and Degrees in this 25 years he whos been inconcrated, Kuen is arrently unrolled in a Class (program) that is to prepare him for integralion in to the world outside of the uprious worldes. I am sure the will do word. He how been a model prisioner for the whole time he has been in operion. as I told, you in the beginning of This delle we support thin fully. He has a choice of uplaces to the Edytor this release. My house in Gardin City Missouri and my yakus in Harrisonalle Musouri Thank you for your Consideration in this matter. Case 4:94-cr-00194-GAF Document 1110 Filed 06/01/21 Page 37 of 14 10 1

SOUTH BEND, INDIANA.

On the recommendation of the faculty and upon the approval of the Board of Directors

THIS CERTIFIES THAT

Keven Lee Wyrick

Having honorably and successfully completed the prescribed requirements of CALVARY CHRISTIAN COLLEGE & SEMINARY is hereby entitled to the DEGREE of

DOCTOR OF BIBLICAL STUDIES

Awarded this 15th day of October, 2010 A.D.

ston, President

Jennston, Dean Emeritus

Jack Van Impe, Board of Reference Case 4:94-cr-00194-GAF Docume

SOUTH BEND, INDIANA

On the recommendation of the faculty and upon the approval of the

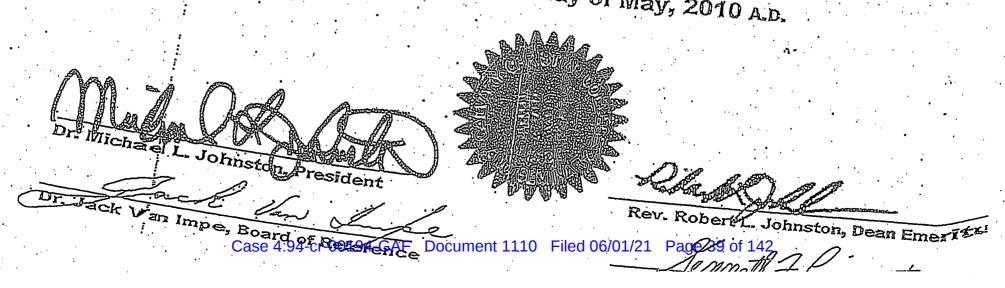
THIS CERTIFIES THAT

Keven Lee Wyrick

Having honorably and successfully completed the prescribed requirements of CALVARY CHRISTIAN COLLEGE & SEMINARY is hereby entitled to the DEGREE of

MASTER OF BIBLICAL STUDIES

Awarded this 21st day of May, 2010 A.D.



SOUTH BEND, INDIANA

On the recommendation of the faculty and upon the approval of the

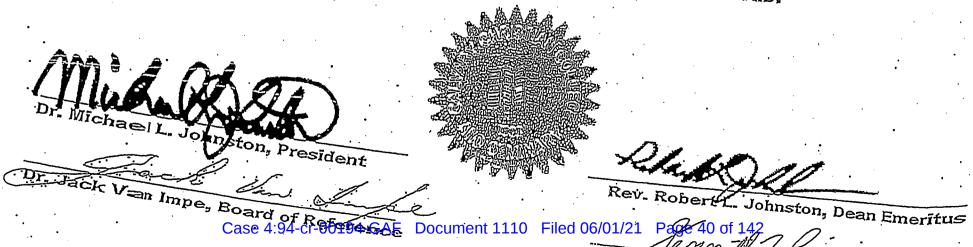
THIS CERTIFIES THAT

Keven Lee Wyrick

Having honorably and successfully completed the prescribed requirements of CALVARY CHRISTIAN COLLEGE & SEMINARY is hereby entitled to the DEGREE of

BACHELOR OF BIBLICAL STUDIES

Awarded this 20th day of March, 2010 A.D.



EXIBIT B

Calbary Christian College and Seminary SOUTH BEND, INDIANA

On the recommendation of the faculty and upon the approval of the

Kehen Lee Wprick

Having honorably and successfully completed the prescribed requirements of CALVARY CHRISTIAN COLLEGE & SEMINARY is hereby entitled to the DEGREE of

DOCTOR OF PHILOSOPHY IN THEOLOGY

Awarded this 21st day of February, 2012 A.D.

hael L. Johnston, Board of Reference Jack Van Impe. Board of Reference

Rev. Robert Le Johnston, Dean Emeritus

Case 4:94-cr-00194-GAF Document 1110 Filed 00:01/21 Wages

Callery Christian Callege and Seminary

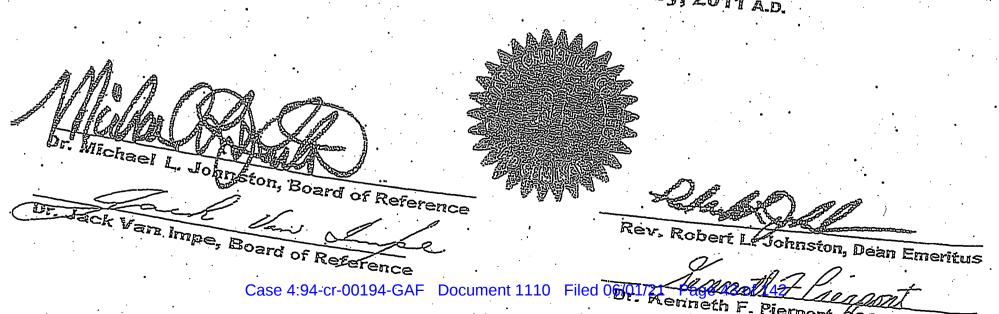
On the recommendation of the faculty and upon the approval of the

Kehen Lee Byrick

Having honorably and successfully completed the prescribed requirements of CALVARY CHRISTIAN COLLEGE & SEMINARY is hereby entitled to the DEGREE of

DOCTOR OF THEOLOGY

Awarded this 15th day of February, 2011 A.D.



Calvary Christian College and Seminary SOUTH BEND, INDIANA

On the recommendation of the faculty and upon the approval of the

Kehen Lee. Byrick

Having honorably and successfully completed the prescribed requirements of CALVARY CHRISTIAN COLLEGE & SEMINARY is hereby entitled to the DEGREE of

MASTER OF THEOLOGY

Awarded this 15th day of January, 2011 A.D.

Rev. Robert L. Johnston, Dean Emeritus

ichael L. Johnston, Board of Reference Fack Van Impe, Board of Reference

Filed 06/01/71 P Case 4:94-cr-00194-GAF Document

EXIBIT C

	To whom it may concern 5/9/21
	M. and is All Frank # 72077-171
	My name is Billy Emery #32037-171
	I met Keven Wysick About 2 years Hap
,	we Both come To Brupper for the LCP
,	Life connecting Program it is a faith Basial
1	Program, I got to know Keven thow Bible
	Study and whale we wore tocked Down For
	the Cound-19 here of Legunarth USP
	he lived 3 Doors Down from me he also
	works in landay so every tuseday night
	he would hollar Landry By the Door, Alot
	of time on tuseday einly in the Day I
	would Hollan what Day is it keep Just
	to have something to do, Keven has made
	mistake Just like us All my opinion is
	he has leaned from his mistake and is
	30 I hope This letter help him,
	So I hope This letter help him,
	Thank you Billy Emercy
	Thank you Billy Energy Billy Energy 32037-171
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en werden der werde between Stragers der gebruik versen werde bestellt versen.	To Whom it May concern,
	, and the second
rrikilima 87-kg konordia aga yawa na ying imu amahin aganakan	God bless you.
	I am writing this letter for Keven
e de la facilitation de la facil	Wyrick. I have Known Keven for 2/2
ontromoglyn de Wyss dyselfan têg salvangen spansky syms	years. He has been a great mentor, and
	Friend He has taught me much about
ين ويونودون د دور د مناه در الله الله الله الله الله الله الله الل	our Lord Jesus Christ He has great
al quite pre-energies prepared and a con-	Knowledge, and shares freely with
والمعارضة	anyone who will listen.
en fen ann agus sa aige an agus an ann an	Keven is a true mentor. He has
	encouraged me to continue in my studies
energia de la capación de la capació	about the Bible, and to join the Life
r o des, planter o total qu'infant lasqueriques parties plus a de	Connections Program. I have Witnessed
nn F Brits James 14 (1787) yr 18 mei 1970 i 1980 i 1980 i 1980 (1980).	him, telling others not to return to the
nano dia 1818 any	criminal life, but instead to seek lawful
	employment. He tells his story as a
	compelling reason to go straight. He really
;	loves and nisses, his family.
	If there is anyone who I have met
	since my incarceration who has truly
	changed for the better, and deserves a
	chance to return to their community, if
	is Keven Wyrick, Thank you.
	Sincerely,
The same of the sa	
	Case 4:94-cr-00194-GAF Document 1110 Fleet 06/01/14 Frage 47 of 142

EXIBIT D

I met Keven Wyrick in 1997 and he was finding his way through life in a difficult situation called prison. After years of being around him daily and I started seeing a change in him, he had because a Christian and built a relationships with the Creator. At first I just thought it was something dude's in prison do because I've seen it many time's but his change and love for the Creator was real not by his word's but by his actions!... Me and Keven got closer and closer because we both was basically in the same situation we both had a life sentence at that time. And he never wavered from his belief and his actions of becoming a better man never changed either. So I said that to say this, day's change, month's change, years change, time's change and people change to and that's always good if the change is for the better. Keven Wyrick has changed to become a good and better man and though we can't erase our past we can change our future. So Keven deserve a chance to change his future and show is family and society the man he has become... Everyone has made some bad decisions in life and everyone deserves a chance to be better if they do better. So, from being around Keven Wyrick for many years daily an becoming his friend and seeing the man he has become he deserves another chance! to....

May peace be with you

Sincerely yours
Mr. Quary
Tamit Quary

To Whom it may concern, My name is Colter Ketter and I am currently incarcerated at the U.S. Penitentiary in Leavenworth, Kansas and have been so since May of 2019. In this time I have come to know Mr. Wyrick as a caring and compassionate individual whose spiritual goodness radiates throughout our entire prison community. Mr. Wyrick's generosity toward anyone in need of help is unsurpassed. He is kind-hearted and willing to give any amount of his own time to assist
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throughout our entire prison community. Mr. Wyrick's generosity toward anyone in need of help is unsurpassed. He is kind-hearted and willing to give any amount of his own time to assist
and willing to give any amount of his own time to assist
and willing to give any amount of his own time to assist
someone that may be spiritually struggling with their beliefs, Christian
or otherwise I am proved to call Mr. Wyrick a great spiritual
mentor, role movel and most important of all, a great
Friend.
Thank You,

Colter Ketter
30349-047

EXIBIT E

LVNBT

INMATE EDUCATION DATA

05-25-2021

14:47:57 TRANSCRIPT PAGE 001

REGISTER NO: 08724-045

NAME..: WYRICK

FUNC: PRT

FORMAT....: TRANSCRIPT

RSP OF: LVN-LEAVENWORTH USP

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LVN		ADVANCED CORE EXERCISE CLASS	05-20-2021		_	~	-	1.4
LVN		RPP6 LCP RELIGIOUS TOLERANCE	06-15-2020		P	C	Б	14
LVN		RPP6 LCP MANAGING EMOTIONS	07-27-2020		P	C ,	Ъ	20
LVN		RPP6 LCP CONFLICT MANAGEMENT	09-14-2020		P	C T	Þ	. 20
LVN		RPP6 LCP OBLG RIGHT TO WRONG	12-08-2020		P	C	P P	20 16
LVN		RPP6 LCP FOLLOW MORAL COMPASS		02-04-2021	P	C	P P	32
LVN		RPP6 LCP FAMILY LIFE CONNECT		03-04-2021	P	C	P.	32 16
LVN		RPP6 LCP LEADERSHIP		04-01-2021	P	C	_	
LVN		RPP6 LCP TRANSITIONAL ISSUES		04-30-2021	P	C	Б	20 20
LVN		FAITH SPECIFIC		04-30-2021	P	C	Р	20 24
LVN		RPP6 LCP SPIRITUALITY		06-01-2020	P	C	P P	24
LVN		RPP6 LCP CELEBRATE RECOVERY		10-15-2020	P	C	_	
LVN		ACE PROFESSIONAL WRITING		10-22-2020	P	C	P	10 24
LVN		RPP6 LCP PREP FOR JOURNEY		03-20-2020	P	C	P	
LVN		RPP6 LCP BUILDING BLOCKS/COMM		02-21-2020	P	C	P	20
LVN		RPP6 LCP ORIENTATION	12-03-2019	01-10-2020	P	C	P	16
LVN		RPP6 LCP COMFORT ZONE RETREAT		11-29-2019	P	C	P	18
LVN		ACE- SIGN LANGUAGE 2		03-20-2020	P	C	P	10
LVN		CANTERBURY TALES ACE COURSE		01-31-2020	P	C	P	10
LVN		DEBATE ACE CLASS		01-23-2020	P	C	P	10
LVN	4	BASKETBALL OFFICIATING		01-20-2020	P	C	P	6
LVN		ACE- SIGN LANGUAGE 2	11-01-2019	12-20-2019	P	C	P	10
LVN		ADVANCED YOGA	11-19-2019	11-20-2019	P	C	P	. 2
LVN		ACE AMERICAN SIGN LANGUAGE		09-06-2019	P	C	P	20
LVN		BEGINNING YOGA & STRETCHING		10-01-2019		C	P	2
LVN		TUTOR TRAINING COURSE		08-05-2019		C	P	10
MAR	GP	CERTIFIED PRODUCTION TECH VT		10-18-2017		C	C	140
MAR		REENTRY SIMULATION		09-14-2017		С	P	. 2
MAR		RE-ENTRY ADV CAREER SEARCH		03-21-2017		С	. P	8
MAR		INFORMATION PROCESSING VT 1200		03-14-2017		C	C	300
MAR		ACE COMPUTER KEYBOARDING 3	09-14-2016	11-02-2016		С	Ρ	8
MAR		ACE COMPUTER KEYBOARDING 2	09-14-2016	11-02-2016	P	С	P	8
MAR		ANTHROPOLOGY ACE CLASS	09-15-2016	11-03-2016	P	C	P	8
MAR		U.S. HISTORY VIDEO ACE CLASS		11-07-2016		C	P	8
MAR		BEYOND BARS #6		09-22-2016		C	P	6
MAR		ACE COMPUTER KEYBOARDING 1		05-27-2016		C	P	8
MAR		ADVANCED NUTRITION		03-14-2016		C	P	10
MAR		PHYSIOLOGY CLASS		03-16-2016		C	P	9
MAR		ACE CLASS - LEGAL RESEARCH	01-13-2016	03-02-2016	P	С	P	8
MAR		ACE CLASS SPANISH 2	01-04-2016	03-03-2016	P	C	P	8
1.17 71/	01							

Calvary Christian College and Seminary SOUTH BEND, INDIANA

On the recommendation of the faculty and upon the approval of the

Rebert Lee Wyrick

Having honorably and successfully completed the prescribed requirements of CALVARY CHRISTIAN COLLEGE & SEMMARY is hereby entitled to the DEGREE of

DOCTOR OF PHILOSOPHY IN THEOLOGY

Awarded this 21st day of February, 2012 A.D.

Johnston, Board of Reference Jack Vara Impe. Board of Reference Rev. Robert Le Johnston, Dean Emeritus

Case 4:94-cr-00194-GAF

Caller Christian College and Seminary

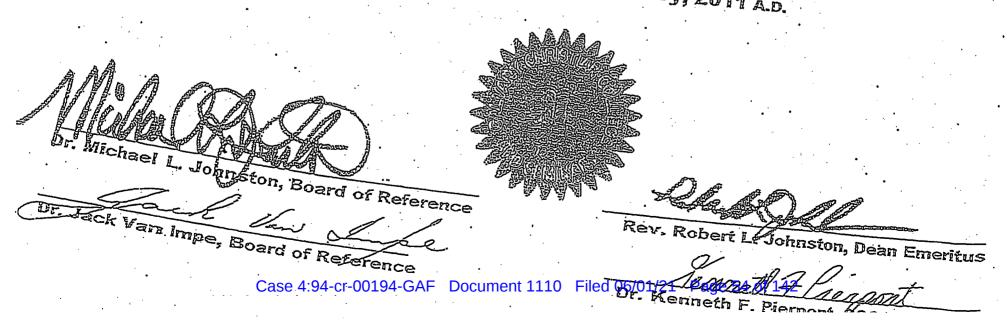
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Awarded this 15th day of February, 2011 A.D.



SOUTH BEND, INDIANA.

On the recommendation of the faculty and upon the approval of the Board of Directors

THIS CERTIFIES THAT

Keven Lee Wyrick

Having honorably and successfully completed the prescribed requirements of CALVARY CHRISTIAN COLLEGE & SEMINARY is hereby entitled to the DEGREE of

DOCTOR OF BIBLICAL STUDIES

Awarded this 15th day of October, 2010 A.D.

Michael L. eston, President

. Jennston, Dean Emeritus

Van Impe, Board of Reference Case 4:94-cr-00194-GAF Docume

Calvary Christian College and Seminary SOUTH BEND, INDIANA

On the recommendation of the faculty and upon the approval of the

Kehen Lee. Wyrick

Having honorably and successfully completed the prescribed requirements of CALVARY CHRISTIAN COLLEGE & SEMINARY is hereby entitled to the DEGREE of

MASTER OF THEOLOGY

Awarded this 15th day of January, 2011 A.D.

chael L. Johnston, Board of Reference ack Van Impe, Board of Reference Rev. Robert L. Johnston, Dean Emeritus Filed 0001 Renneth F. Pierpont, CC&S Case 4:94-cr-00194-GAF **Document**

SOUTH BEND, INDIANA

On the recommendation of the faculty and upon the approval of the

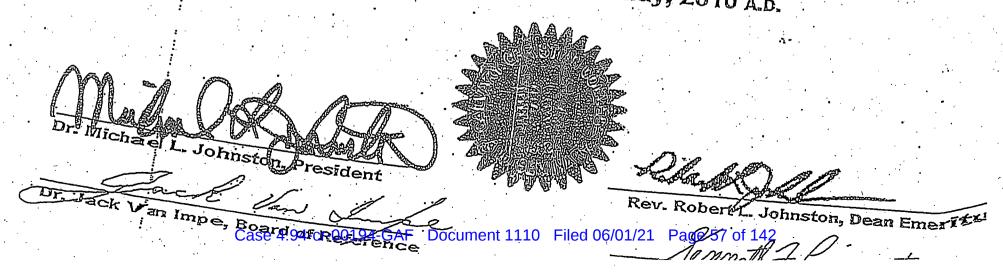
THIS CERTIFIES THAT

Keven Lee Wyrick

Having honorably and successfully completed the prescribed requirements of CALVARY CHRISTIAN COLLEGE & SEMINARY is hereby entitled to the DEGREE of

MASTER OF BIBLICAL STUDIES

Awarded this 21st day of May, 2010 A.D.



SOUTH BEND, INDIANA

On the recommendation of the faculty and upon the approval of the

THIS CERTIFIES THAT

Keven Lee Wyrick

Having honorably and successfully completed the prescribed requirements of CALVARY CHRISTIAN COLLEGE & SEMINARY is hereby entitled to the DEGREE of

BACHELOR OF BIBLICAL STUDIES

Awarded this 20th day of March, 2010 A.D.

ston, President

Rev. Robert L. Johnston, Dean Emeritus

Jack Van Impe, Board of Refe

SOUTH BEND, INDIANA

On the recommendation of the faculty and upon the approval of the

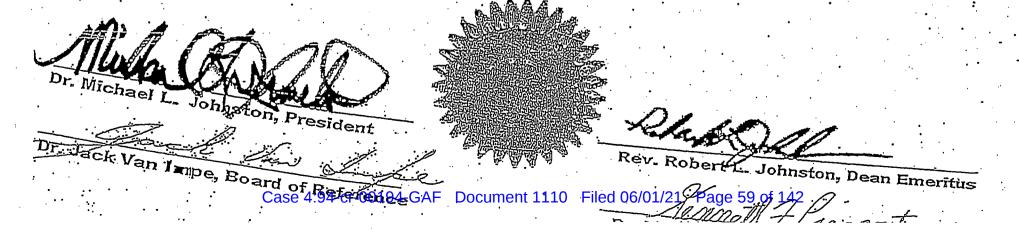
THIS CERTIFIES THAT

Keven Lee Wyrick

Having honorably and successfully completed the prescribed requirements of CALVARY: CHRISTIAN COLLEGE & SEMINARY is hereby entitled to the DEGREE of

ASSOCIATE OF BIBLICAL STUDIES

Awarded this 29th day of September, 2009 A.D.



SOUTH BEND, INDIANA

On the recommendation of the faculty and upon the approval of the

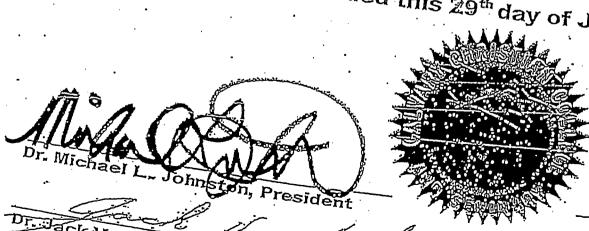
THIS CERTIFIES THAT

Keven Lee Wyrick

Having honorably and successfully completed the prescribed requirements of CALVARY CHRISTIAN COLLEGE & SEMINARY is hereby entitled to the DEGREE of

COUNSELOR OF BIBLICAL STUDIES

Awarded this 29th day of July, 2009 A.D.



Rev. Robert L. Johnston, Dean Emeritus

ack Van Impe, Boards of Reference

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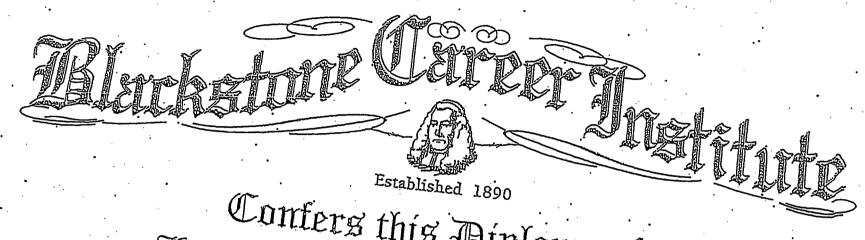


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Confers this Diploma of Legal Assistant/Paralegal

upon

Reben Lee Wprick

who has fulfilled all the requirements prescribed by the School and is entitled to all of the honors rights and privileges thereunto appertaining. In Textimung Aperent this recognition of achievement is

Given this 4th day of March 2008



ertificate of Achievement

Presented to

Keven L. Wyrick

Who has successfully completed the required curriculum for hands in computer training in Microsoft Windows 2000 and the following Microsoft Office XP applications, using the MOS curriculum: Word, Excel, and Power Point, to receive certification in

Introduction to Business Computers

180 Hours

Presented on by:

Course Instructor

December 1, 2007

Date

Certificate

THIS CERTIFIES THAT Kevin Wyrick	
has satisfactorily community	
in Basic Keyboarding Skills	·
Microcomputers Applications	conducted by

Coniziana Technical College Alexandria Campus

Given finis	_25th	day of	· Mav	•	
• •		day of _	Yhay	· · · · · · · · · · · · · · · · · · ·	, <u>2006</u>

Aon Martinez, Supervisor of Education

S. Crawford, ACE Coordinator

Movember 12, 2005

ATEMOTICA SO

CONTINUING BOY COURSE

Constitution

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FILL TO MILES

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NOITINO TO TRYITITIO

CINTUICATE OF COMPLETION

is hereby presented to

gevin Wyrick

to certify that he has completed

Legal Research

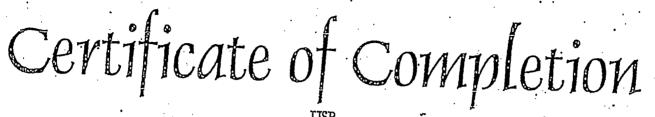
"Supreme Courabecisions"

ADULT CONTINUING EDUCATION COURSE USP Rollock, L.A.

Nowember 24, 2005

S. Crawford ACE Coordinator

Ron Martinez, Supervisor of Education



Pollock, Louisiana

Keven Wyrick

Reg#: 08724-045

has successfully completed the requirements for the

"Stress-Less" Group

December 9, 2005

K. Francois, Counselor

D. Mott, Unit Manager

Certificate of Completion

A STUDY IN EXISTENTIALISM

This certifies that

Keven Wyrick

has successfully completed Non-Residential DAP Module: Existentialism on August 18, 2005, at the United States Penitentiary, Leavenworth, Kansas.

T. A. Majerus, M. A., Drug Treatment Specialist

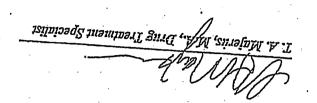
Certificate of Training Certifice Derator

has successfully completed the

Powered Industrial Trucks Training Program

AUGUST 1, 2005

Safety Department 1300 Metropolitan Ave. Leavenworth, Kansas



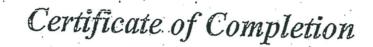
has successfully completed Non-Residential DAP Module: Anger Management on June 16, 2005, at the United States Penitentiary, Leavenworth, Kansas.

Moven Wyrick

This certifies that

PROGRAM: ANGER MANAGEMENT NON-RESIDENTIAL DRUG ABUSE

Certificate of Completion



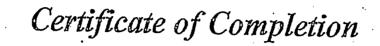
NON-RESIDENTIAL DRUG ABUSE PROGRAM: PARENTING 101

This certifies that

Keven Wyrick

has successfully completed Non-Residential DAP Module: Parenting 101 on June 16, 2005, at the United States Penitentiary, Leavenworth, Kansas.

T. A. Majerus, N. A., Drug Treatment Specialist



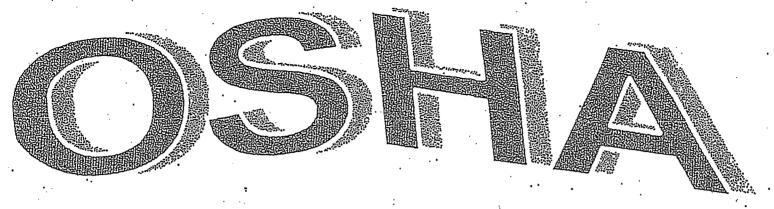
DRUG EDUCATION PROGRAM

This certifies that

Keven Wyrick

has successfully completed the requirements for the Drug Education Program on June 15, 2005, at the United States Penitentiary, Leavenworth, Kansas.

T. A. Majerus, M.A., Drug Treatment Specialist



10-HOUR GENERAL NDUSTRY SAFETY & HEALTH OUTREACH TRANNO PROGRAM

PRESENTED TO

Keven L. Wysick

RODUCTION TO OSHA
RODUCTION EQUIPMENT
RODUCTION
RODUCTIO

ch 28 - April 1, 2005



SAFETY DEPARTMENT

P.O. Box 1000 Leavenworth, Kansas 66048 (913) 882 8700 Evt 1105 MEANS OF EGRESS AND FIRE PROTECTION
ELECTRICAL AND LOCKOUT/TAGOUT
WALKING AND WORKING SURFACES
MACHINE GUARDING

OSHA Outreach Trainer

Case 4:94-cr-00194-GAF Document 1110 Filed 06/01/21 Page 75 of 142

Certificate of Participation

HSP MarionRecreation Department

THIS IS TO CERTIFY THAT

N. Wyrich

Has Completed All Required Course Work For The Piano class

M.O. West. Sports Specialist

Bec 22nd, 2013

CERTIFICATE OF COMPLETION

THIS CERTIFIES THAT

KEVIN WYRICK

HAS SUCCESSFULLY COMPLETED 500 MILES IN THE WALK/JOG CLASS CONDUCTED AT

U.S.P. MARION, IL

GIVEN THIS 22" DAY OF JUNE 2014

K. MILES, SPORTS SPECIALIST

MENTALE SEORGE SERVICE

CIVENTHIS 28" DAYOF JUNE 201A

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OF SERVICE TO BOP ATTENDED TO SERVICE OF SERVICE SERVICES OF SERVI

CERTIFICATE OF COMPLETION

THIS CERTIFIES THAT

KEVIN WYRICK

HAS SUCCESSFULLY COMPLETED 1000 MILES AND ALL REQUIRED COURSE MATERIAL IN THE WALK/JOG CLASS CONDUCTED AT

U.S.P. MARION, IL

GIVEN THIS 18TH DAY OF AUGUST 2014

K. MILES, SPORTS SPECIALIST

INCUCATION WINDS TO THE STATE OF THE STATE O

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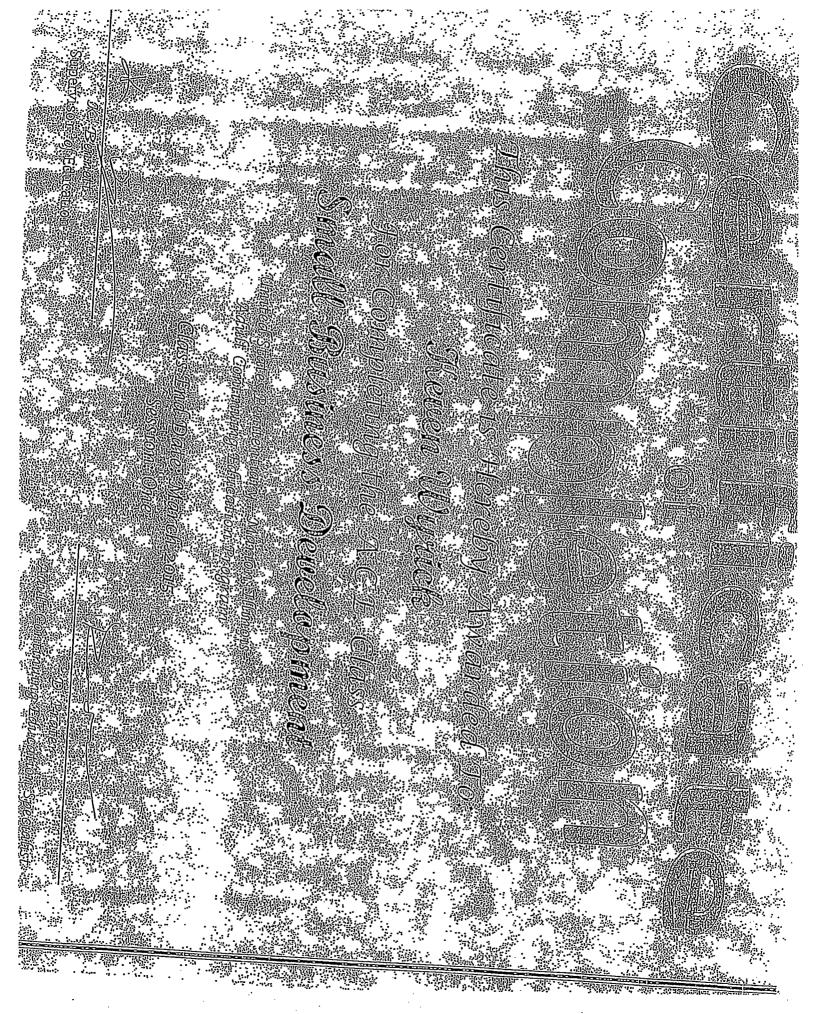
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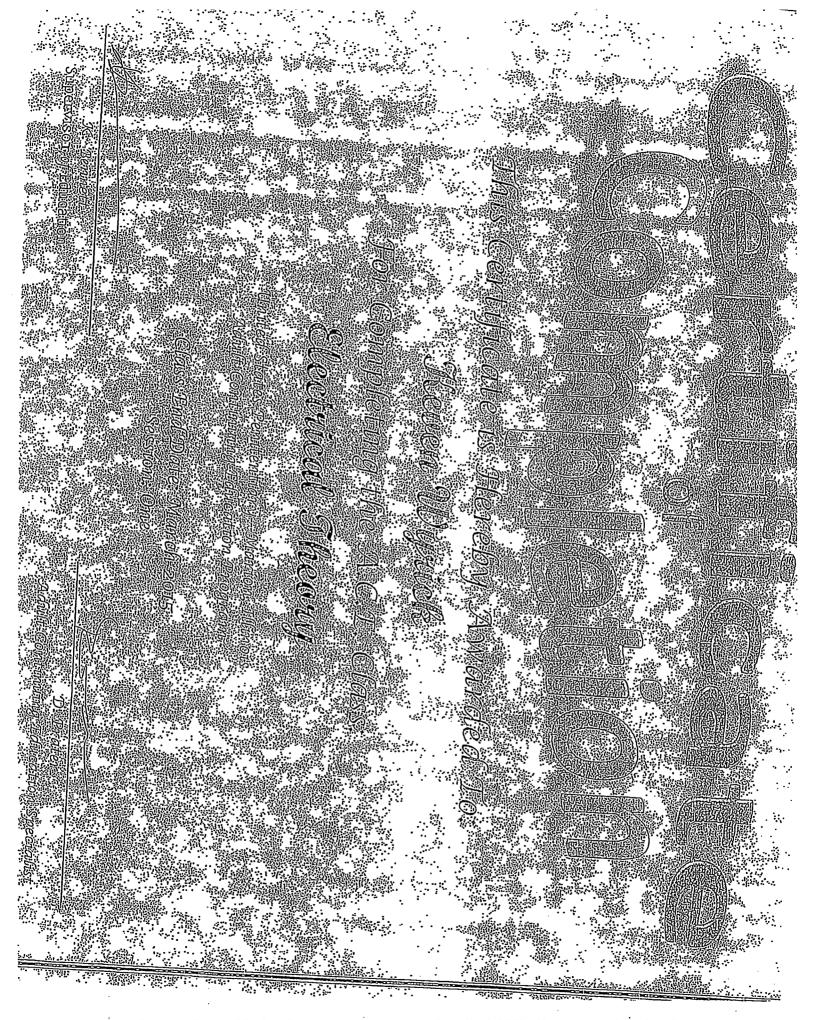
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Keven Wynick

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Case 4:94-cr-00194-GAF Document 1110 Filed 06/01/21 Page 84 of 142

Ints certificate is Hereby Awanded To Lenen III) mensels Joe Completing the ACE class Monve Jundrowense

TEATHER THAT DE PRINTERS LA PROPERTIE DE LA PR Unitieds tates Benitentiany Masion Illiniois Adiult Continuing Lalication Program Class Inidal atte Marchi2015 Session One

This certificate is Hereby Awarded to Heven Wyriek

For completing the ACL class

Kome Plumbing

Undiced States Penistentiany Mavion, Illinois Advit Continuous Education Program

> Uass End Date March 2015 Sessions One

CERTIFICATE OF COMPLETION

THIS CERTIFIES THAT

KEVEN WYRICK

HAS SUCCESSFULLY COMPLETED ALL REQUIRED COURSE MATERIAL FOR THE RUNNING GROUP CONDUCTED AT

U.S.P. MARION, IL

GIVEN THIS STH DAY OF OCTOBER 2015



K. MILES, SPORTS SPECIALIST

Certificate of Completion

for successful completion of U.S.P. Marion's:

Beginner's Finness Class

awarded to:

Keven Wyrick

1/20/2016 - 3/16/2016

Certified by: V. Fields, Recreation Specialist

Apalea ir a lea ir a lea

Certificate of Completion

This certificate is awarded to

Keven Wyrick

In recognition for completion of:

Personal Finance 1

Granted: March 21, 2016

TAMMY CASTELLANO

T. Castellano Supervisor of Education

K. Kirkpatrick Teacher

SINICIES EN CONTROL DE LA CONT

Propositores de la complesió d

Certificate of Completion

This certificate is awarded to

Keven Wyrick

In recognition for completion of:

Legal research 1

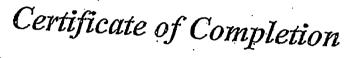
Granted: March 21, 2016

TAMMY CASTELLANO

T. Castellano Supervisor of Education

K. Kirkpatrick Teacher

This certificate is awarded to Keven Wyrick Intecognition for completion of: Spanish Granted: <u>March 21, 2016</u> JAMMY CASTELLANO: T. Castellano Supervisor of Education irkpatitick Teacher



NON-RESIDENTIAL DRUG ABUSE PROGRAM: PERSONAL CHANGE

This certifies that

Kevin Wyrick

has successfully completed five hours of Non-Residential DAP: Personal Change on August 25, 2004, at the United States Penitentiary, Leavenworth, Kansas.

T. A. Majerus, M.A., Dylig Treatment Specialist



presented to:

Keven Wyrick

Reg. No. 08724-045
Successfully completed the

Beyond Bars

Release Preparation Class

United States Penitentiary
Marion, Illinois

September 22, 2016

K. Sanders, Case Manager

CERTIFICATE OF COMPLETION NON-RESIDENTIAL DRUG ABUSE PROGRAM

This certifies that

Keven Wyrick Reg. No. 08724-045

has successfully completed the requirements for the Non-Residential Drug Abuse Program



USP Marion, Illinois February 7, 2017

D/Shaw, M.S.

Drug Treatment Specialist

A. Figueredo, Psy.D

Drug Abuse Program Coordinator

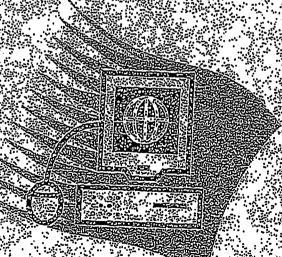
A.C.E

Cellicae of Completion

Is hereby granted to

Keven Wynick

TOT NEW OMERITON of the Adult Continuing Education Course of **Typing** I



Granted: May 27, 2016

TAMMY CASTELLANO

L. Castellano, Education-Supervisor

A.C.E.

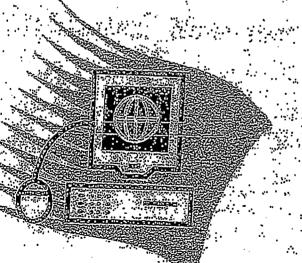
Califorde of Completion

. Is hereby granted to.

Keven Wynick

For his completion of the Adult Continuing Education Course of

Typing 2



Granted November 2, 2016

L Kilspatrick Teacher

TAMMY CASTELLANO

T. Castellano, Education Supervise

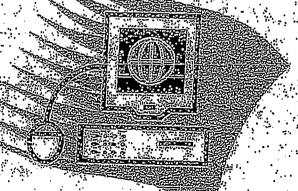
A.C.E.

Centicate of Condetion

Is hereby granted to: **Keven Wynck**







Devificate of This certificate is awarded to Keven Wynick In recognition for completion of Anthropology/American History Case 4:94-cr-00194-GAF: Document 1110 Filed 06/01/21 Page 98 of 142 ...

ar conference de anglicane anglican este an este anglican Conflected Completion This certificate is awarded to Keven Wyrick In recognition for completion of United States History/Wars Granted November 10, 2016 TAMMY CASTELLAND T-Castellaro, Supercisor of Foucation SIEGES ESTEMBLES ESTEMBISTES ESTEMBLISTES (ESTEMBLISTES) ESTEMBLISTES (ESTEMBLISTES) ESTEMBLISTES (ESTEMBLISTES)

This award presented to: Certificate of Keven Wyrick Completion In recognition of completing **ADVANCED** CAREER SÉARCH Completion Date: 3/15/2017 3-15-17 Reentry Affairs Coordinator Date



Certificate of Completion

awarded to

Keven Wyrick

Has Successfully Completed 300 Contact Hours and 30 Continuing Education Units

for:

VT Information Processing

In acknowledgement thereof these signatures are affixed on this day,

Tuesday, March 14, 2017

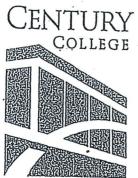


Interim Search Continuing Education & Customized Training

*This educational program was taught by Federal Bureau of Prison Instructors. Century College performs annual review and certification of this vocational program in compliance with American Correctional Association standards.



4/3/2017



Continuing Education & Customized Training

CONTINUING EDUCATION TRANSCRIPT

Keven Wyrick USP-Marion PO Box 2000 Marion, IL 62959

13595742

Course ID	Name	<u>'</u>	End Date	Hours	CEŲs
20165-002777	VT Information Processing		3/14/2017	300	30

Authorized Signature: 5

* This educational program was taught by Federal Bureau of Prison Instructors. Century College performs annual review and certification of this vocational program in compliance with American Correctional Association standards.

MANUFACTURING SKILL STANDARDS COUNCIL

HAS CONFERRED UPON

KEVEN WYRICK

THE CERTIFIED PRODUCTION TECHNICIANAL CERTIFICATION

For the successful completion of all four CPT production technician assessments in the areas of SAFETY, QUALITY PRACTICE & MEASUREMENT, MANUFACTURING PROCESSES AND PRODUCTION, MAINTENANCE AWARENESS.

GIVEN ON THIS 19TH DAY OF SEPTEMBER IN THE YEAR 2017



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CHIEF EXECUTIVE OFFICER
Candidate ID: 80764.
Expiration Date: 9/19/2022.
Certification Date: 9/19/2017





CERTIFIED PRODUCTION TECHNICIAN

CRITICAL PRODUCTION FUNCTIONS COVERED BY MSSC COURSES AND ASSESSMENTS:

The Manufacturing Skill Standards Council (MSSC) credentialing system leading to a CPT covers the four critical production functions; as defined by MSSC's industry-led, nationally validated skills standards, common to all sectors of manufacturing. Safety, Quality & Continuous Improvement, Manufacturing Processes & Production, and Waintenance Awareness: Each area is addressed with a separate assessment. MSSC training and assessments are organized around those four modules. An individual can earn a "Certificate" if they pass one or more assessments. However, they must pass all four assessments to earn the full "CPT" certification. MSSC strongly recommends that individuals be at the 9th grade level of math and 10th grade level of English before attempting MSSC courses and assessments. The four critical functions and their related key activities are described below:

SAFETY

- 1. Work in a Safe and Productive Manufacturing Workplace
- 2: Perform safety and environmental inspections
- 3. Perform emergency drills and participate in emergency teams
- 4. Identify unsafe conditions and take corrective action
- 5. Provide safety orientation for all employees
- 6: Train personnel to use equipment safely:
- 7. Suggest processes and procedures that support safety of work environment.
- B. Fulfill safety and health requirements for maintenance, installation, and
- 9. Monitor safe equipment and operator performance
- 10. Utilize effective, safety-enhancing workplace practices

MANUFACTURING PROCESSES & PRODUCTION

- 1. Identify customer needs
- 2. Determine resources available for the production process
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- 7. Gommunicate production and material regulrements and product
- 8. Perform and monitor the process to make the product
- 9. Document product and process compliance with customer requirements
- 10. Prepare final product for shipping or distribution.

QUALITY PRACTICES & MEASUREMENT

- 1. Participate in periodic internal quality audit activities
- 2. Check calibration of gages and other data collection equipment
- 3. Suggest continuous improvements
- 4. Inspect materials and product/process at all stages to ensure they meet specifications
- 5. Document the results of quality tests
- Communicate quality problems.
- 7. Take corrective actions to restore or maintain quality:
- 8. Record process outcomes and trends
- 9. Identify fundamentals of blueprint reading.
- 10. Use common measurement systems and precision measurement tools

MAINTENANCE AWARENESS.

- 1: Perform preventive maintenance and routine repair
- 2. Monitor Indicators to ensure correct operations
- 3. Rerform all housekeeping to maintain production schedule
- Recognize potential maintenance issues with basic production systems, including knowledge of when to inform maintenance personnel about problems with:
 - ... Electrical systems.
 - Pneumatic systems
 - Hydraulic systems
 - Machine automation systems
 - Lubrication processes
 - Bearings and couplings:
 - Belts and chain drives

NOTE: MSSC assesses ore understanding of the key work activities and core technical knowledge and skills needed in high-performance manufacturing as defined by MSSC Production Skill Standards. Given online, MSSC Assessments also help measure basic computer, problem solving and analytical skills and one's ability to apply knowledge to specific situations identified in the assessments. There are no experiential or hands-on requirements for MSSC certification as it is expected that individual employers will determine those requirements based upon their own specific needs. MSSC does not require that individuals take MSSC courses prior to testing.





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MANUFACTURING SKILL STANDARDS COUNCIL

HAS CONFERRED UPON

KEVEN WYRICK

THE CERTIFIED PRODUCTION TECHNICIAN PROCESS & PRODUCTION CERTIFICATE

GIVEN ON THIS 11TH DAY OF JULY IN THE YEAR 2017



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Skills Certification System

CHIEF EXECUTIVE OFFICER Candidate ID: 80764





CERTIFIED PRODUCTION TECHNICIAN

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MANUFACTURING SKILL STANDARDS COUNCIL

HAS CONFERRED UPON

KEVEN WYRICK

THE CERTIFIED PRODUCTION TECHNICIAN QUALITY PRACTICES & MEASUREMENT CERTIFICATE

GIVEN ON THIS 30TH DAY OF MAY IN THE YEAR 2017



CHIEF EXECUTIVE OFFICER
Candidate ID: 80764

Skills Certification System

Translation Hyperstyles American Applies





CERTIFIED PRODUCTION TECHNICIAN

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MANUFACTURING SKILL STANDARDS COUNCIL

HAS CONFERRED UPON

KEVEN WYRICK

THE CERTIFIED PRODUCTION TECHNICIAN SAFETY CERTIFICATE

GIVEN ON THIS 18TH DAY OF APRIL IN THE YEAR 2017



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Skills Certification System

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CHIEF EXECUTIVE OFFICER
Candidate ID: 80764





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MANUFACTURING SKILL STANDARDS COUNCIL

HAS CONFERRED UPON

KEVEN WYRICK

THE CERTIFIED PRODUCTION TECHNICIAN MAINTENANCE AWARENESS CERTIFICATE

GIVEN ON THIS 19TH DAY OF SEPTEMBER IN THE YEAR 2017



CHIEF EXECUTIVE OFFICER

CERTIFICATION OF APPRECIATION

THIS CERTIFICATE IS AWARDED TO

Keven Wyrick

IN RECOGNITION OF VOLUNTEERING YOUR SERVICE TO THE

REENTRY SIMULATION

SEPTEMBER 14, 2017

DATE OF COMPLETION

M. Sheffer

Reentry Affairs Coordinator

Adult Continued Education (ACE) Program
Education Department
United States Penitentiary Leavenworth, KS

Date

09-06-2019

Ms. Jackson, Coordinator

Ms. Jackson

HOPLEY BURNEY

er int Almera

has completed a 10-week, 20-hour Adult Continuing Education course in American Sign Language.

youth word

This certifies that

submondiffer so de designations

CERTIFICATE OF COMPLETION

USP LEAVENWORTH EDUCATION DEPARTMENT

This certifies that

Keven Wyrick

Has satisfactorily completed 10 total participation hours On this 5^{th} day of August, 2019 in

Tutor Training

T. Gardner, Teacher

CERTIFICATE OF COMPLETION

THIS IS TO CERTIFY THAT

KEVIN WYRICK 08724-045

HAS SUCCESSFULLY COMPLETED ALL REQUIREMENTS FOR USP LEAVENWORTH RECREATION DEPARTMENT'S

ADVANCED YOGA CLASS



CERTIFICATE OF COMPLETION

THIS IS TO CERTIFY THAT

KEVIN WYRICK 08724-045

HAS SUCCESSFULLY COMPLETED ALL REQUIREMENTS FOR USP LEAVENWORTH RECREATION DEPARTMENT'S

YOGA BEGINNERS



Certificate of Achievement

This certifies that

Keven Wyrick

has completed a 10-week, 10-hour Adult Continuing Education course in American Sign Language 2.

Ms. Jackson

Ms. Jackson, Coordinator

12-20-2019

Date

Adult Continued Education (ACE) Program
Education Department
United States Penitentiary Leavenworth, KS

CERTIFICATE of ACHIEVEMENT



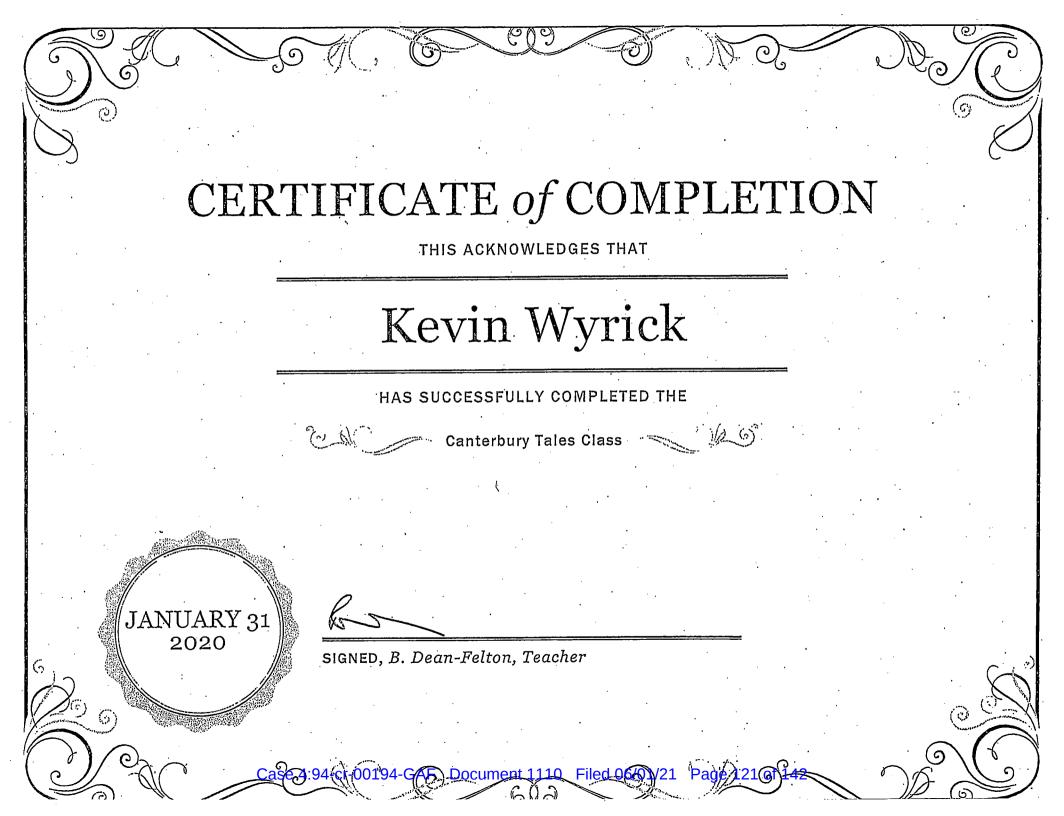
Keven Wyrick



Debate Class

January 23, 2020

B. Dean-Felton, Teacher



February 10, 2017

FROM:

ALMUN Recreation

SUBJECT:

Keven Wyrick

To whom it may concern,

Keven Wyrick has worked in the Recreation Department at the United States Penitentiary in Marion, Illinois since October 2010 to present. During this time, Mr. Wyrick has worked on multiple work details within the department. Mr. Wyrick often works 7 days a week in order to accomplish the multiple tasks that he is accountable for. During his tenure in recreation, he has displayed an excellent work ethic while exceeding in his roles of responsibility. He has worked on the snow and ice removal crew, the yard mowing crew, as an orderly, as an issue clerk and institutional photographer. His evaluations on these work details are always exceptional and he has been awarded numerous bonuses and achievements for his work performance.



U.S. Department of Justice Federal Bureau of Prisons

United States Penitentiary

Marion, IL 62959

February 16, 2017

MEMORANDUM FOR ALL CONCERNED

FROM:

U. Wright, (∏'eac)

SUBJECT:

Wyrick, Keven #08724-045

This correspondence serves to inform you that inmate Keven Wyrick is currently enrolled in the USP Marion Vocational Training Program - Information Processing. He has been enrolled since April of 2016, and is in good standing. He maintains excellent attendance and satisfactory progress in class. Upon completion of the program, he will receive a college certification for Information Processing from Century College.

Thank you for your time and attention in this manner.

Dear Sir:

my name is Jerry hyrick Jather of Heven Wyrick. I'm writing this on his behalf hoping to get his time reduced in order I might apend some time With him Even though he has been locked up for about 22 years his entire Jamely, Son, Sisters, napheros timbers all love him thery much and are Willing to find him a place. To live, a job and a way to get. to and from his work. Heven has educated himself . since he has been in gruson to a level that he will not have

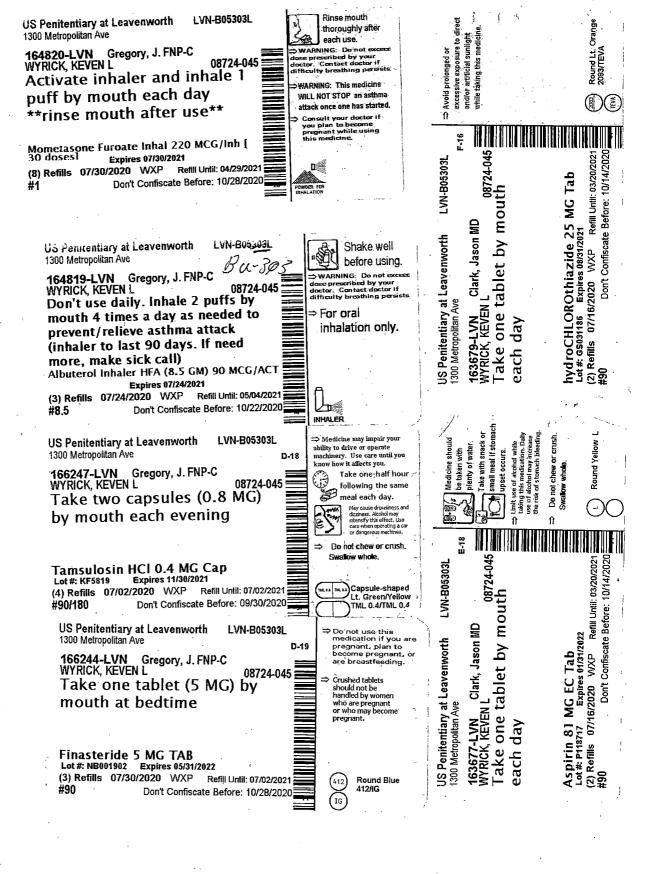
Case 4:94-cr-00194-GAF Document 1110 Filed 06/01/21 Page 124 of 142

any problem finding work that he wants to do which is teaching and counciling in theology since He has a Doctors degree and a Doctors of Philosophy in Theology. as for myself & am 82 Come July 17, 2017 and have worked for Bonday + Haneywell for 33, years ar a maintance, suggervisor, then worked as a security afficer for Reds Contract Services that supplied Geourity for the Federal Dulskrigs in the Heartland area for 18 years, Thirteen of the 18 years was at the new Federal Court house at 601 Cenal I never once mention my son

sin prison or asked for any
kind of Selps But never fin asking
for him and myself to be shown
some leniency so I might be
able to spend a little time
with him for whatever time
I have left.

Respectifully Serry agrick

EXIBIT F



EXIBIT G

I write this letter to the court in regards to the crimes I committed in this indictment I accept responsibility for the things I did and participated in and have been remorseful beyond expression for many years. I gave my life to the Lord in 1989 and tried to put my past behind me. It wasn't realized at that point, but eventually became apparent, you can't hide from 600, After coming to prison my walk with the Lord continued and have dedicated my life to bettering myself. I apologize to his family and my family as well for the sedness and hardship that's been caused because of my actions. I can't take it back and am very sorry. I have asked the Lord for forgiveness but really need to ask the family for their forgiveness. I was a stupid young man and am sorry.

> Keven Wyrick 08724-045 Keven Wyrich

EXIBIT H

*KATHERIAN D. ROE Federal Defender

*MANNY ATWAL First Assistant Defender

*DOUGLAS OLSON Senior Litigator

CHAD M. SPAHN Senior Investigator OFFICE OF THE

FEDERAL DEFENDER

District of Minnesota 107 U.S. Courthouse 300 South Fourth Street Minneapolis, MN 55415 Phone: 612-664-5858 Fax: 612-664-5850 JAMES BECKER
*SHANNON ELKINS
LISA LOPEZ
KEALA EDE
DOUGLAS MICKO
ROB MEYERS
ERIC RIENSCHE
*ANDREW MOHRING
SARAH WEINMAN
Assistant Defenders

*MSBA Certified Criminal Law Specialist

January 26, 2021

<u>VIA ECF</u>

The Honorable John R. Tunheim Chief U.S. District Judge, District of Minnesota United States District Court 300 South Fourth Street Minneapolis, MN 55415

'Re: United States v. Jeffery Dulwonh Gbor, No. 14-cr-00344(5) (JRT/TNL)

Dear Chief Judge Tunheim:

With regard to the pending compassionate release Motions for Reduction of Term of Imprisonment Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) (ECF Nos. 1793 & 1803), filed in July and August of 2020, I write to advise the Court of additional pertinent, significant, and persuasive information regarding coronavirus reinfection and mortality.

In addition to the BOP reinfection death cases of Ricky Lynn Miller, Adrian Solarzano, Gerald Porter, and Robert Hague-Rogers discussed in Mr. Gbor's initial brief (see ECF No. 1828 at 31-34), and on top of the COVID-19 death at Memphis FCI that occurred during the briefing schedule for this case (see ECF No. 1831 at 1, 3-4), the coronavirus has now claimed the life of another prisoner at Memphis FCI, this time after a reported recovery and presentation with no symptoms. Harry Edward Cunningham tested positive on December 20, 2020, "was converted to a status of recovered following completion of medical isolation and presenting with no symptoms" on December 29, and, approximately two weeks later, died on January 12, 2021. In stating that Mr. Cunningham was pronounced deceased by hospital staff, the BOP's press release specifically reports that Mr. Cunningham "had long-term pre-existing medical conditions, which the CDC lists as risk factors for developing more severe COVID-19 disease[.]"²

BOP Press Release, Inmate Death at FCI Memphis (Jan. 15, 2021), available at https://www.bop.gov/resources/news/pdfs/20210115_press_release_mem_cunningham.pdf (last visited Jan. 25, 2021; copy enclosed herewith).

Hon. John R. Tunheim January 26, 2021

Page 2

RE: United States v. Gbor No. 14-cr-00344(5) (JRT/TNL)

I have also become aware of four other such mortalities:

- Barry Johnson, an inmate at Edgefield FCI, tested positive in August of 2020, "remained asymptomatic[,]" and was released from isolation on Thursday, August 27, 2020"; on September 23, 2020, he stopped breathing and died;³
- Christopher Carey, a prisoner at Lompoc FCI, was "considered recovered after completing isolation and presenting no symptoms" on May 20, 2020, following his May 4 infection; seven months later, "[o]n Tuesday, December 15, 2020, Mr. Carey, who had long-term, pre-existing medical conditions which the CDC lists as risk factors for developing more severe COVID-19 disease, was pronounced deceased by hospital medical staff";⁴
- Carmelo Estrada, an inmate at MCFP Springfield, tested positive on October 24, 2020, "was found to be stable and asymptomatic for COVID-19 related symptoms" on November 13, but became unresponsive and died on December 23:5 and
- Kevin Gayles, a prisoner at FCI Jesup, tested positive on November 9, 2020, "was converted
 to a status of recovered following the completion of medical isolation and presenting with
 no symptoms" on November 19, but died on January 8, 2021.6

It has now been 60 days since Mr. Gbor was infected with COVID-19 at Memphis FCI. (See ECF No. at 320, 326.) Several of the foregoing cases of reinfection deaths occurred within 90 days, and "the CDC [has] acknowledged that immunity from COVID-19 is limited to no more than three months after contracting the virus." *United States v. Smith*, No. 7:03-cr-00135-EKD, ECF No. 443 (W.D. Va. Dec. 17, 2020) (citing www.cdc.gov/media/releases/2020/s0814-updated-isolation-guidance.html, collecting cases, and granting compassionate release to a defendant who had previously been infected and was since listed as "recovered" from the coronavirus).

BOP Press Release, Inmate Death at FCI Edgefield (Sept. 25, 2020), available at https://www.bop.gov/resources/news/pdfs/220200926_press_release_johnson.pdf (last visited Jan. 25, 2021; copy enclosed herewith).

BOP Press Release, Inmate Death at FCI Lompoc (Dec. 18, 2020), available at https://www.bop.gov/resources/news/pdfs/20201217_press_release_lom.pdf (last visited Jan. 25, 2021; copy enclosed herewith).

BOP Press Release, Inmate Death at MCFP Springfield (Dec. 29, 2020), available at https://www.bop.gov/resources/news/pdfs/202012292_press_release_spg.pdf (last visited Jan. 25, 2021; copy enclosed herewith).

BOP Press Release, Inmate Death at FCI Jesup (Jan. 12, 2021), available at https://www.bop.gov/resources/news/pdfs/20210113_press_release_jes.pdf (last visited Jan. 25, 2021; copy enclosed herewith).

Hon. John R. Tunheim January 26, 2021

Page 3

RE: United States v. Gbor No. 14-cr-00344(5) (JRT/TNL)

At the same time, the infection rate at Memphis FCI has continued to grow—from 28.44% on December 14, 2020, 7 to 37.04% on January 13, 2021, 8 to 38.45% today (i.e., 21 inmates are currently positive, two inmates have died, and 375 inmates are listed as "recovered," out of a total of 1,035 prisoners now at the facility). And recent reports have called into question vaccine effectiveness upon new, more contagious COVID-19 variants that are emerging. It therefore remain deeply concerned about Mr. Gbor's significant reinfection and mortality risk at Memphis FCI, and respectfully urge the Court to order his immediate release from custody.

Thank you for your time and attention to Mr. Gbor's case.

Sincerely,

/s/Keala C. Ede

Keala C. Ede, Assistant Federal Defender

Cc: Amber M. Brennan, Assistant United States Attorney (via ECF) Jeffrey Dulwonh Gbor (via U.S. mail)

Encl. (5)

⁷ See ECF No. 1828 at 14.

⁸ See ECF No. 1833 at 2.

⁹ See Federal Bureau of Prisons, COVID-19: Coronavirus, available at https://www.bop.gov/coronavirus/ (last visited Jan. 26, 2020).

See Federal Bureau of Prisons, FCI Memphis, available at https://www.bop.gov/locations/institutions/mem/ (last visited Jan. 26, 2021).

See, e.g., Grady et. al., As Virus Grows Stealthier, Vaccine Makers Reconsider Battle Plans, The New York Times (Jan. 25, 2021), available at https://www.nytimes.com/2021/01/25/health/coronavirus-moderna-vaccine-variant.html?action=click&module=RelatedLinks&pgtype=Article (last visited Jan. 26, 2021) (explaining that "two drug makers reported on Monday that their vaccines, while still effective, offer less protection against one variant and began revising plans to turn back an evolving pathogen that has killed more than two million people").



U.S. Department of Justice Federal Bureau of Prisons

FOR IMMEDIATE RELEASE December 18, 2020

Contact: Office of Public Affairs 202-514-6551

Inmate Death at FCI Lompoc

WASHINGTON, D.C.: On Monday, May 4, 2020, inmate Christopher Carey tested positive for COVID-19 and was placed in medical isolation at the Federal Correctional Institution (FCI) Lompoc in Lompoc, California. Institution staff provided treatment and monitored his condition. On Wednesday, May 20, 2020, in accordance with Centers for Disease Control and Prevention (CDC) guidelines, Mr. Carey was considered recovered after completing isolation and presenting no symptoms.

On Thursday, August 20, 2020, Mr. Carey was transported from FCI Lompoc to a local hospital due to progressive paralysis requiring bedside care. On Tuesday, December 15, 2020, Mr. Carey, who had long-term, pre-existing medical conditions which the CDC lists as risk factors for developing more severe COVID-19 disease, was pronounced deceased by hospital medical staff.

Mr. Carey was a 72-year-old male who was sentenced in the District of Nevada to a 135-month sentence for Possession of Child Pornography. He had been in custody at the Federal Correctional Complex (FCC) Lompoc since February 10, 2016.

FCI Lompoc is a low security facility that currently houses 947 male offenders.

The Bureau of Prisons will continue to provide daily updates and information on actions related to COVID-19 at www.bop.gov/coronavirus/index.jsp

Additional information about the Bureau of Prisons can be found at www.bop.gov.



U.S. Department of Justice Federal Bureau of Prisons

FOR IMMEDIATE RELEASE December 29, 2020

Contact: Office of Public Affairs 202-514-6551

Inmate Death at MCFP Springfield

WASHINGTON, D.C.: On Saturday, October 24, 2020, inmate Carmelo Estrada tested positive for COVID-19 and was placed in medical isolation at the Medical Center for Federal Prisoners (MCFP) Springfield in Springfield, Missouri. On Monday, November 2, 2020, Mr. Estrada was evaluated by medical staff for decreased oxygen saturation and transported to a local hospital for further treatment and evaluation. On Friday, November 6, 2020, Mr. Estrada returned to MCFP Springfield. On Friday, November 13, 2020, he was found to be stable and asymptomatic for COVID-19 related symptoms, and assigned to a unit with 24-hour nursing staff. On Wednesday, December 23, 2020, Mr. Estrada became unresponsive and life-saving measures were initiated. Staff requested emergency medical services (EMS) and transported Mr. Estrada by EMS to a local hospital. On the same day, Mr. Estrada, who had long-term pre-existing medical conditions, which the CDC lists as risk factors for developing more severe COVID-19 disease, was pronounced deceased by outside hospital medical staff.

Mr. Estrada was a 58 year-old male who was sentenced in the Western District of Tennessee to a 240-month sentence for Conspiracy to Possess with Intent to Distribute at Least 1,000 Kilograms of Marijuana. He had been in custody at MCFP Springfield since May 5, 2014.

MCFP Springfield is an administrative security facility that currently houses 806 male offenders.

The Bureau of Prisons will continue to provide daily updates and information on actions related to COVID-19 at www.bop.gov/coronavirus/index.jsp.

Additional information about the Bureau of Prisons can be found at www.bop.gov.



U.S. Department of Justice Federal Bureau of Prisons

FOR IMMEDIATE RELEASE January 12, 2021

Contact: Office of Public Affairs 202-514-6551

Inmate Death at FCI Jesup

WASHINGTON, D.C.: On Monday, November 9, 2020, inmate Kevin Gayles tested positive for COVID-19 at the Federal Correctional Institution (FCI) Jesup in Jesup, Georgia, and was immediately placed in medical isolation. On Thursday, November 19, 2020, in accordance with Centers for Disease Control and Prevention (CDC) guidelines, Mr. Gayles was converted to a status of recovered following the completion of medical isolation and presenting with no symptoms.

On Friday, January 8, 2021, he was evaluated by institution medical staff for chest pains and subsequently transported to a local hospital for further treatment and evaluation. On the same day, Mr. Gayles who had pre-existing medical conditions, which the CDC lists as risk factors for developing more severe COVID-19 disease, was pronounced deceased by hospital staff.

Mr. Gayles was a 38-year-old male who was sentenced in the Eastern District of Virginia to a 132-month sentence for Possession of Cocaine Base. He had been in custody at FCI Jesup since September 7, 2018.

FCI Jesup is a medium security facility that currently houses 1,337 male offenders.

The Bureau of Prisons will continue to provide daily updates and information on actions related to COVID-19 at www.bop.gov/coronavirus/index.jsp.

Additional information about the Bureau of Prisons can be found at www.bop.gov.



U.S. Department of Justice Federal Bureau of Prisons

FOR IMMEDIATE RELEASE January 15, 2021

Contact: Office of Public Affairs 202-514-6551

Inmate Death at FCI Memphis

WASHINGTON, DC: On Sunday, December 20, 2020, inmate Harry Edward Cunningham tested positive for COVID-19 at the Federal Correctional Institution (FCI) Memphis in Memphis, Tennessee, and was placed in medical isolation. On Tuesday, December 29, 2020, in accordance with Centers for Disease Control and Prevention (CDC) guidelines, Mr. Cunningham was converted to a status of recovered following the completion of medical isolation and presenting with no symptoms. On Sunday, January 10, 2021, Mr. Cunningham was evaluated by institution medical staff and subsequently transported to a local hospital for paracentesis for massive ascites. On Tuesday, January 12, 2021, Mr. Cunningham, who had long-term pre-existing medical conditions, which the CDC lists as risk factors for developing more severe COVID-19 disease, was pronounced deceased by hospital staff.

Mr. Cunningham was a 54-year old male who was sentenced in Middle District of Tennessee to a 72-month sentence for Bank Robbery and Hobbs Act Robbery. He had been in custody at FCI Memphis since August 26, 2020.

FCI Memphis is a medium security facility that currently houses 1,036 male offenders.

The Bureau of Prisons will continue to provide daily updates and information on actions related to COVID-19 at www.bop.gov/coronavirus/index.jsp.

Additional information about the Bureau of Prisons can be found at www.bop.gov.

EXIBIT

MALE PATTERN RISK SCORING					
Register Number:	08724-045	Date:	2/9/2021		· —
Inmate Name:	Wyrick, Keven L.				·
MALE RISK ITEM SCORING	CATEGORY	GENERAL SCORE	Enter Score	VIOLENT SCORE	Enter Score
1. Current Age	> 60	0		0	
51-60		7	4	4	4
Click on gray dropdown box to select, then click on dropdown arrow	41-50 30-40	14 21	- 7	12	∤ 4
	26-29	28		16	j
	< 26	35		20	
2. Walsh w/Conviction	No Yes	0	- 0	0	1 0
3. Violent Offense (PATTERN)	No No	0	 	0	
No	Yes	5	0	5	0
4. Criminal History Points 4-6 Points	0-1 Points	0	16	0	8
	2-3 Points 4-6 Points	8 16		8	
	7-9 Points	24		12	
	10 - 12 Points	32		16	
	> 12 Points	40		20	
5. History of Escapes None	None > 10 Years Minor	0 2	0	1	0
	5 - 10 Years Minor	4		2 -	
	< 5 Years Minor/Any Serious	6		3	
6. History of Violence	None	0		0	
None		1	4	1	
7. Education Score	> 15 Years Serious 5 - 10 Years Minor	3	1 _	3	1
	10 - 15 Years Serious	4	0	4	0
	< 5 Years Minor	5		5	
	5 - 10 Years Serious	6		6	
	< 5 Years Serious Not Enrolled	7		7	
HS Degree / GED		-2	-4	-1	-2
	HS Degree / GED	-4		-2	
8. Drug Program Status No Need	No DAP Completed	0	-9	0	-3
		-3		-1	
	RDAP Complete No Need	-6	1	-3	1 -
9. All Incident Reports (120 months) 0	0	0		Ö	
		1	0	1	0
	- 2	2		2 -	
10. Serious Incident Reports (120 months)	>2	0	 	0	
0		2	1	2	_
	2	4	<u> </u>	4	0
	>2	6 .		6	
11. Time Since Last incident Report 12+ months or no incidents	12+ months or no incidents 7-12 months	2		1 .	
	3-6 months	4	0	2	0
	- 3	6		. 3	
12. Time Since Last Serious Incident Report	12+ months or no incidents	0		0	
12+ months or πο incidents	7-12 months 3-6 months	2	0	2	0
	<3	3		3	1
13. FRP Refuse	NO !	0	0	0	0
NO		1		1	
14. Programs Completed > 10	0 1	-2	-8	-1	-4
	2-3	-4		- <u>1</u> -2	
	4 - 10	-6		-3	
	> 10	-8		-4	
15. Work Programs >1 Program	0 Programs	0	a .	0	-2
	1 Program >1 Program	-2	-2	-1 -2	
Total Score (Sum of Columns)		General:	0	Violent:	1
General/Violent Risk Levels		General:	Minimum	Violent:	Minimum
Case 4024 ACC MALE PATTERN RISK PERFUMENT 1110 File		3			
OGO TOVERARLIMALE PATTERNIRISK LEVERITIETIT TITO FILE		d 06/01/21 Pawiinimum142			

EXIBITJ

LVNBT 606.00 *

MALE CUSTODY CLASSIFICATION FORM

05-16-2021

PAGE 001 OF 001

15:28:35

(A) IDENTIFYING DATA

REG NO..: 08724-045

FORM DATE: 03-08-2021

ORG: LVN

NAME...: WYRICK, KEVEN L

MGTV: PSF WAV

PUB SFTY: GRT SVRTY, SENT LGTH

MVED: N/A

(B) BASE SCORING

DETAINER: (0) NONE

SEVERITY..... (7) GREATEST

MOS REL .: 540

CRIM HIST SCORE: (04) 4 POINTS

ESCAPES: (0) NONE

VIOLENCE.....: (0) NONE

VOL SURR: (0) N/A

AGE CATEGORY...: (0) 55 AND OVER

EDUC LEV: (0) VERFD HS DEGREE/GED DRUG/ALC ABUSE.: (0) NEVER/>5 YEARS

(C) CUSTODY SCORING

TIME SERVED....: (3) 0-25%

PROG PARTICIPAT: (2) GOOD

LIVING SKILLS...: (2) GOOD

TYPE DISCIP RPT: (5) NONE

FREQ DISCIP RPT.: (3) NONE

FAMILY/COMMUN..: (4) GOOD

--- LEVEL AND CUSTODY SUMMARY ---

BASE CUST VARIANCE SEC TOTAL SCORED LEV MGMT SEC LEVEL CUSTODY CONSIDER

+11 +19

-3

+8

HIGH

MEDIUM

IN

DECREASE

G0005

TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED